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NORTHEAST CHURCH ROCK MINE REMOVAL

PUBLIC MEETING

PINEDALE CHAPTER

JULY 7, 2009

1 MR. GARCIA-BAKARICH: Well, if you guys are
2 having any trouble seeing the screen from the back, I invite
3 you to come join us in the front of the room.

4 It's a warm evening and it's right around dinner time.
5 I'd like to thank you all very much for coming out. We have
6 some hors d'orves in the back, if you want to make a little
7 sandwich or have some cookies or some fruit or juice. I hope
8 everybody's had an opportunity to sign in and pick up any of
9 the meeting materials if any of that is new for you.

10 I'd like to introduce myself. My name is Luis
11 Garcia-Bakarich. I'm a Community Improvement Coordinator for
12 the U. S. Environmental Protection Agency Super Fund
13 Division. I'm from Region Nine in San Francisco. I lived in
14 the Bay Area pretty much all my life. And I've been working
15 on the team here from U.S. E.P.A. Region Nine for the last
16 three years now.

17 I think it was July three years ago the first time I
18 came out to Gallup, Church Rock and got to see the Northeast
19 Church Rock mine, so it's a pleasure to have been working on
20 this project. It's a significant challenge that I appreciate
21 all of your commitment to working on it by coming out here to
22 tonight's public hearing.

23 The course of tonight's meeting is a little bit
24 different than the meeting that we had two weeks ago. This
25 is a more formal public meeting where we're going to have

1 this meeting. Tonight's meeting basically will be recorded
2 and the transcript from will be included in our official
3 record for this project, and the transcripts will be
4 available for public review as soon as we can get them typed
5 up.

6 I do have an announcement about this public comment
7 period for the Northeast Church Rock Environmental
8 Engineering Evaluation and Cost Analysis. We are going to be
9 extending the public comment period to September 9th, and
10 which make it effectively a 90-day public comment period from
11 start to finish and, we're expecting public notices to go
12 into the papers this week -- either this week or next in
13 order to get make that on the -- have the public notices on
14 the official records. But we are extending our public
15 comment period.

16 And with that, a bit more about tonight's meeting so
17 we're going to have a presentation by Andy Bain, who is the
18 Region Project Manager. I'll let him introduce himself in
19 just a second. And then after that, we're going to have a
20 brief period of -- if you have any clarifying questions, if
21 you want to clarify stuff from the presentation, or anything,
22 any specifics from the Engineering Evaluation Cost Analysis
23 document itself.

24 Since saying Engineering Evaluation and Cost Analysis is
25 such a mouthful of words, we're going to call it an EE/CA for

1 short. So you may hear us referring -- talking about the
2 EE/CA and, that is this document here that we're going to be
3 presenting on.

4 So we'll have the presentation. Some short clarifying
5 -- if you have any clarifying questions, and then we will
6 open the floor to basically provide any verbal comments that
7 you'd like to give and have it recorded for on the record and
8 then we will be responding to all of the comments and
9 questions that are submitted during this public comment
10 period in writing, as a part of our final decision document.
11 And so with that, I will --

12 We also have here tonight, Rose Graham. She is our
13 Navajo Interpreter. So as people come in, if you're aware
14 that they don't have a very good command of the English
15 language, they are predominantly Navajo speakers, please
16 direct them over to talk with Rose, and Rose will be
17 available to help interpret the presentation. Questions that
18 are asked and the comments that are provided for tonight's
19 record.

20 So let me see. So I think the restrooms are back this
21 way, (indicating) and hopefully, as the evening wears on,
22 it'll get cooler in here. And with that, I think I'll turn
23 it over to -- yeah, okay.

24 Well, maybe if that's all right with you guys, we
25 actually can start with Andy and we'll just kind of introduce

1 ourselves. And if you feel like introducing yourself, what
2 organization you're with, or if you're a resident or a
3 multiple stakeholder, interest holder, then, you know, please
4 let us know what all of the various states you'd like to
5 represent. So with that --

6 MR. BAIN: I'm Andy Bain. I'm the Regional
7 Project Manager working on the Northeast Church Rock site.
8 I'm with the EPA office in San Francisco. It's a pleasure to
9 be here tonight.

10 MS. ROSETTI: I'm Leona Rosetti. I'm also
11 with the U.S. E.P.A., and I'm also Community Involvement
12 Coordinator and I work with Luis, and I'm going to be
13 assisting him in this site. I just started about a month
14 ago, and this is my first time here. So thank you for
15 welcoming me.

16 MS. ADAMS: Hi. I'm Elizabeth Adams. I'm the
17 Assistant Director for the Super Fund Division at Region Nine
18 in San Francisco, and I've worked sites, Super Fund sites for
19 about 15 years with the E.P.A.. Before that, I was a private
20 consultant, so I've been working on environmental issues for
21 almost 20 years now. Some people say I shouldn't say that.
22 But I'm very happy to be here and thank you all for coming
23 out today.

24 MS. LATRAIN: I'm Dawn Latrain. I've been
25 working with the Super Funds and I'm relatively new to this

1 project. I've been working on it for nine months, but I've
2 been with Region Nine for coming up on 15 years now, and I've
3 been in the environmental field, and again part of the E.P.A.
4 for just over 20 years, actually.

5 MR. WILLIAMS: I'm Don Williams. I'm with the
6 E.P.A. Super Funds Program out of the Dallas. Our
7 involvement is primarily with the United Nuclear Corporation
8 Super Funds site in Church Rock. I'm here this evening in
9 case there are questions about it. I've been with Super Fund
10 for 25 years at the regional office in Dallas.

11 MR. CARR: My name is Harrison Carr. I'm also
12 with E.P.A. in San Francisco I'm with the office with the
13 legal office Region Nine.

14 MR. TAYLOR: I'm Dave Taylor and I'm not with
15 the United States Environmental Protection Agency. I am an
16 attorney with the Navajo Department of Justice.

17 MS. ECONOMY: My name is Kathy Economy. I'm
18 with the New Mexico Mining and Minerals Department. I've
19 been there about, not quite a year. Before that, I worked
20 with WHIP Project and Assessment Department and then the
21 Yucca Mountains Department, hazardous waste, nuclear waste
22 issues for about 17 years.

23 MS. HELMS: Kathy Helms of the Gallup
24 Independent as a reporter.

25 MR. HOOVER: I'm Cable Hoover, also from the

1 Gallup Independent photography.

2 MR. KING: Larry King from Church Rock, just
3 down the road.

4 MS. LANE: Good evening, everyone. My name is
5 Lillie Lane. I'm with Navajo Nation E.P.A.

6 MS. CRAIG: My name is Vivian Craig. I'm with
7 the Navajo E.P.A Office.

8 MR. BOOMER: I'm John Boomer with Blue Water
9 operations.

10 MS. GRAHAM: Hello, everyone. Rose Graham,
11 Navajo Court Interpreter.

12 MS. WHITE: Rita White, Navajo EPA Super
13 Fund.

14 MR. SPITZ: Rick Spitz. I'm with MACTEC
15 Development Corporation.

16 MR. McALISTER: Randy McAlister, I'm here
17 representing United Nuclear Corporation.

18 MR. ESPLAIN: Eugene Esplain of the Navajo
19 Nation Super Fund Program.

20 MR. SHUEY: Chris Shuey, Southwest Research
21 and Information, Albuquerque, New Mexico.

22 MR. HOOD: Tony Hood. I'm a resident on
23 Pipeline Road, down the road from U.N.C. I don't know where
24 our leaders are with the tribe and everything. Don Williams
25 is here, they would have to come up with him.

1 MR. CASSU: Paul Cassu, New Mexico
2 Environmental Law Center.

3 MS. DINEYAZHE: Michelle Dineyazhe with Navajo
4 Super Funds.

5 MS. SLIM: I'm Janelle Slim, resident of Red
6 Water Pond Road, third generation.

7 MS. NEZ: My name is Vanessa Nez and I'm from
8 the Red Water Pond Road, third generation.

9 MR. NEZ: Teddy Nez, second generation from
10 Red Water Pond Road.

11 MS. JACOBS: Sara Jacobs, EPA Super Funds.

12 MS. HANNAWEEKE: Hi. I'm Justine Hannaweeke I
13 am a court reporter. I am from Zuni, and I work out of the
14 District Court in Gallup. Thank you.

15 MR. GARCIA-BAKARICH: Thank you very much
16 everybody. I think that now we'll begin with presentation by
17 Mr. Bain.

18 MR. BAIN: Thank you very much, Luis. It's
19 good to hear that we have people from so many different
20 perspectives. I think that it's really important when it
21 comes to looking into a remedy such as this. You know, that
22 will impact a community in terms of the decisions that EPA
23 will make. We've not made any decisions yet.

24 This is part of, as Luis described, public involvement
25 process that EPA does to get the words and the reactions from

1 the community about all the alternatives that we've
2 considered in this Engineering Evaluation and Cost Analysis.

3 I just want to point out what that is. It's a
4 document. It's somewhat thick. They're, you know, about 70
5 pages of text and then figures and tables and appendices that
6 we use as a primary document. But there are also a lot of
7 documents that support this, which are in the administrative
8 record.

9 Administrative record is housed at the Gallup Public
10 Library, the Navajo Nation Public Library and we have --
11 we're sending copies here to the Chapter House at the request
12 of the community from the last meeting. And then if anybody
13 else is interested in a copy of the administrative record,
14 it's on a CD ROM with PDF images on that of all these
15 documents. They are more than 500 documents that went into
16 that. Those together support EPA's proposal to clean-up this
17 site.

18 Just a little bit with about me. You know, I'm -- as
19 Luis mentioned, a Project Manager responsible for the
20 Northeast Church Rock Site. I've been working on this since
21 about 2004. But I've been working on Navajo Nation with the
22 issue of -- the broader issue of abandoned uranium mines, and
23 trying to identify where all those mines are. We put out a
24 report two years ago that identifies 520 abandoned uranium
25 mines. But of all those uranium mines, the Navajo Nation and

1 the EPA decided that Northeast Church Rock is the one most
2 pressing with us. We're pushing forward with the removal
3 action and remedy the site.

4 Like Luis, I'm a native Californian, and I'm actually
5 from Chico, up north of Sacramento and went to school in
6 biology at UC Santa Barbara, and University of California in
7 Santa Cruz. So we have quite a team of people that have been
8 working on this project, a number of them have introduced
9 themselves tonight, and it's really a team effort to try and
10 put together a proposal like this. So I'm honored to be here
11 tonight and sharing with you EPA's perspectives of this
12 clean-up.

13 So we're here to talk about this Engineering Evaluation
14 Cost Analysis or EE/CA. This is part of what EPA's program
15 of a non-time critical removal action in the Super funds
16 program of EPA developed as part of the remedy decision
17 process.

18 So we'll talk about, you know, some of the summary of
19 our findings, the history of the site, how this process plays
20 out briefly, and how we involve you along the way, the
21 alternatives that we evaluated and our preferred
22 alternative. But again, we haven't made a decision. We'll
23 do that at the close of the 90-day public comment period and
24 respond to your comments in writing, as Luis indicated.

25 This EE/CA is just about the Northeast Church Rock Site

1 and focuses just on the soils and the sediments that came
2 from that site. And you know, one of the things that we
3 wanted to also mention is that we've done some work out at
4 the site previously.

5 In 2007, EPA conducted a removal action, what we call a
6 time critical removal where we excavated soils from around
7 four homes, and then took those wastes off site. We actually
8 worked with UNC to dispose of those soils in 2007.

9 But we also want to talk about an interim removal action
10 that would be something that we would address in the short
11 term, hopefully, starting the summer to address the other
12 areas surrounding those residential related properties,
13 addressing the arroyo that has contaminated sediments in it,
14 and the mine site's proper to make sure that any rain storms
15 don't wash those things back into where the community is in
16 the short term.

17 Next slide, please.

18 So Rose, I'm assuming there's nobody that you need to
19 translate for so I don't have to wait for your signal.

20 Okay. But just let me know if that's the case.

21 So, you know, we look at hopefully -- you probably can't
22 quite make out this picture very well because of the light.

23 But basically, this is the Northeast Church Rock site.
24 You can see the waste piles here in the background, some of
25 the buildings on top. And then you can see some of homes in

1 the foreground. And then you can see there's one unnamed
2 arroyo that comes down from the mine site, and then it drops
3 into another, kind of a deep cut, from another unnamed arroyo
4 before that comes to the Pileline Canyon arroyo.

5 This is, as I mentioned, is the highest priority for the
6 Navajo Nation and the U.S. EPA. There's 155 acres of
7 contaminated soils. That's about 870,000 cubic yards of
8 material that we're talking about. And EPA feels that
9 there's an unacceptable risk if we don't do anything about
10 the situation.

11 This mine site was operated by the United Nuclear
12 Corporation in 1969 to 1982. Your body is about 18 hundred
13 feet below the surface. And it was reportedly the largest
14 underground uranium mine in the country. Some of the waste
15 materials had migrated off the mine site in the areas where
16 people live and raise livestock. So EPA feels this warrants
17 removal action.

18 The areas of concerns, and I apologize for the light
19 here. I'll point out some of the notable places here.
20 They're about 14 areas of concern. EPA concluded that most
21 of the mine site was contaminated above what we consider a
22 safe level. And that being the cabinet concern was radium, 2
23 point 6, that's a radioactive element.

24 UNIDENTIFIED WITNESS: Are you just saying
25 it's also on your --

1 MR. BAIN: Okay. So if people have the fact
2 sheet, there's also a map in there. But the outline of the
3 mine site you can see the Arroyo Number 1. There's an area
4 we call the step-out.

5 That's actually off the mine site footprint, down into
6 the residential area. And out to this road is Red Water Pond
7 Road. The Kerr McGee Mine Site is just to the north of where
8 the Red Water Pond road is. We have this abbreviation, NECR
9 for Northeast Church Rock for the first waste piles.

10 There's a trailer park where people that have been
11 employed by the mine lives. There's areas known as Sandfills
12 where radium sands, sands from the mill operations were
13 staged before there were slurried into the mine working in
14 slopes to prevent them from collapsing.

15 The Ponds 1 and 2 and 3 and 3A, located here because the
16 water that filled up into the mines 1,800 feet below the
17 surface had to be drawn out and discharged to the surface to
18 prevent the mine from filling up with water.

19 Those waters were eventually discharged into that
20 unnamed arroyo. There are vents around the properties of
21 those were areas of concern. And then you see the two area
22 known as the Magazine where disposed were stored. The
23 non-economic material storage area, an area called the
24 boneyard, which was actually where solid waste were
25 disposed. I think that's just the gist of it.

1 So that's why this is a priority because there are homes
2 in the near vicinity. You know, there are multiple chapters
3 that are impacted by this work. They're actually five
4 chapters that converge here. You have Pinedale Chapter, the
5 Church Rock Chapter, Coyote Canyon, and Standing Rock, all
6 pretty much right in this immediate vicinity.

7 And you know, we've talked to local residents as part of
8 our risk assessment process, and they told us that they eat
9 livestock that's locally raised, as well as harvest some of
10 the medicinal plants that could uptake the radium.

11 The reason why Region Nine is involved here and not
12 Region Six is because it's on tribal trust land. So the
13 Northeast Church Rock Mine is right next door to where the
14 UNC mill site was, or is, and that's the responsibility of
15 EPA's Region Six, Dallas office.

16 And in this picture, you can see here, or maybe not see
17 too well, but there is an excavator here. This was a 2007
18 removal action that EPA took. We scraped roughly six inches
19 of soil for radium elevated above a measurement of 2.24 Pico
20 Curries per gram. That's just a measurement of the
21 radioactivity that you want to measure in the soil.

22 So you can see some of the big equipment and we worked
23 very closely to the homes to remove just immediate risks
24 posed by them. So we worked actually around half acres
25 around each home, excavated soil, disposed of that soil off

1 site. We tested the soil beneath before we backfilled and
2 then we revegetated it. Next slide.

3 So we put that -- once again, we'll see a little circle
4 showing you where the waste piles are. The homes -- you can
5 see a better view. This is a steeper angle, and you can see
6 the unnamed arroyo that courses through here before it drops
7 into the second unnamed arroyo. Next slide, please.

8 Even a steeper angle. This is looking to the
9 southwest. You can see some of the other features in the
10 area, including where the mine site is. You can click these
11 -- it'll zoom up.

12 You can see where the UNC Mill Site is. You can
13 actually see pretty good view of where the tailings
14 contaminants are. These areas where the radium sands of
15 materials that were by-products of the milling were disposed
16 of under a permit from the Nuclear Regulatory Commission, who
17 has the lead on surface soil that the UNC Mill Site. That's
18 a national priority list, that's the Super Fund site in
19 Region Six, Dallas.

20 Another click and you'll see where the Kerr McGee is.
21 This is really hard to see with purple. The Kerr McKee Mine
22 Site is just really a stone's throw across the valley.

23 And you know, again, just to show some of the features.
24 You have the unnamed arroyo that passes through here, drops
25 in on a second unnamed arroyo. That water then set into

1 Pipeline Canyon Arroyo before it passes the UNC Mill Site.
2 And I think that's probably it for that slide.

3 So the EPA has been working out here for a number of
4 years. We were asked to take a the lead in 2005 by the
5 Navajo Nation. We ordered UNC or United Nuclear to
6 investigate the site in 2006, and then to conduct the removal
7 action in 2007.

8 We produced a document that's also in the administrative
9 record known as the Removal Site Evaluation Report that
10 provides all the data, all the sampling that we conducted,
11 and the risk assessment. We did the removal actions I
12 already mentioned, and then we sent out our EE/CA this past
13 May.

14 The UNC Corporation is a subsidiary of the General
15 Electric Corporation. They are the responsible parties who
16 we expect will do the work at this site. And as I mentioned
17 earlier, in the meantime, while we're working through this
18 EE/CA, we hope to do some work this summer. But we hope that
19 UNC will do the work this summer to address the areas around
20 the residences. Next slide, please.

21 Are you translating? Okay.

22 So here's what we investigated the site. There were a
23 lot of samples taken on the surface, on the near surface.
24 This picture shows a couple of UNC's contractors with pretty
25 heavy detector devices. They weigh about 50 pounds. They

1 got the detectors and the instrument in the other hand.

2 This is Jerry Begay from the Navajo EPA. You can see
3 they are down in the arroyo at the head of the arroyo as it
4 pass the waste piles that are about 40 feet, maybe even 60
5 feet in some places, and you can see the top of the mine site
6 where there are still some structures on top of it.

7 One of things to point out, as part of our
8 investigation, we collected background samples. We wanted to
9 find a place that was upwind of the mine site and not
10 impacted by activities on the mine. So UNC proposed location
11 about a half a mile upwind and upstream of the mine site
12 where 25 samples were collected.

13 Of those 25 samples, the average radium activity was one
14 Pico Curries per gram in that soil. That's just important,
15 so you know that as a benchmark as we compare the levels that
16 we found as part of the investigation on the mine site and
17 beyond.

18 So those samples, you know, again, the radium is a decay
19 product. It's a uranium, it's the original product, but in
20 the process of the earth going through its changes, in the
21 radioactivity, radium is one of the by-products or one of the
22 natural responses to the uranium that originally existed in
23 nature.

24 So these substances are around us all over the world.
25 The average around the world is about one Pico Currie per

1 gram. It's quite low. It's not a problem as long as the ore
2 is shielded way down below the surface, somewhere where you
3 can't get in contact with it.

4 But once the ore is brought to the surface, and the
5 waste are left behind, as part of the processing, if they're
6 not managed, they can be moved by the wind and water and
7 other natural effects where it can come into contact with
8 people.

9 So most of the concentrated ore has been removed from
10 the mine site in the process, but they're still waste process
11 that have residual radioactivity left in them. In this case,
12 the radium is the most -- the element of most concern here.
13 That's about it for this slide.

14 So here's what we found. Again, I apologize. This is
15 really hard to see, but the main thing that I wanted to
16 convey is that we found elevated radium throughout the site,
17 about 155 acres.

18 These purple dots are where there are highest
19 concentration they tended to be in the ponds. That area
20 called the sediment pads. You can see the outlines of the
21 houses where we conducted the removal action. We also
22 investigated other homes near the vicinity. I think there
23 were a 14 of homes that we looked at to make sure that they
24 didn't have radiation in the soils or in the structure.

25 But we only needed to take action of these several

1 homes. There was one home to the east of Water Pond Road
2 that was addressed. And you know, we have contamination in
3 the arroyo. We have contamination throughout the mine
4 sites.

5 MS. DINEYAZHE: Andy, we can't see the levels
6 with the dots. Can you tell us what the range is?

7 MR. BAIN: Okay. So, you know, I think we
8 started with our field screening level was 2.24 Pico Curries
9 per gram, and that was everything that was in light green
10 colors on the edges of the site.

11 That range then went all the way on up to 875 Pico
12 Curries per gram. The case -- the purple dots indicating the
13 range, but the maximum was 875. So that would have been
14 roughly 25 times background where you see the purple dots.
15 Was that helpful, Michelle? Thank you for pointing that
16 out.

17 And the other contaminants that we looked at -- because
18 this is in the Grants Mineral Belt, there are a lot of other
19 heavy metals that are associated with mining. We wanted to
20 make sure that there weren't other problems, what we call
21 contaminate or concerns. We looked at arsenic, millethium,
22 solium, and zanadian and uranium, as well. Because uranium
23 is a weak radioactive product, it's primary concerned in
24 terms of kidney damage.

25 So all of those other contaminants were within EPA'S,

1 what we call the preliminary mediation bowels. Those are
2 what is acceptable ranges of what EPA considers when we do a
3 clean-up action. Then we did sample at depth to make sure
4 that we established how far the contamination went. Next
5 slide.

6 So one of the tools that EPA uses in order to help set
7 these clean-up levels, are to do a risk assessment. So the
8 basic question of the risk assessment is how this site
9 effects you. So we looked at things such as the potential to
10 cause harm, and considered things like land use, exposure,
11 how people could come into contact with these materials, and
12 you know, different scenarios, different situations that
13 people might come into contact with those materials.

14 We looked at the cultural practices. Our toxicologist,
15 the person who helps write the Risk Assessment, in this case,
16 reviewed the risk assessment, actually spoke to some of the
17 residents and determined how, you know, their unique
18 consumption of the meat and eating the locally raised meat,
19 and eating the entire animal, not just the muscle tissue were
20 important considerations of our risk assessment.

21 Also the fact that livestock were primarily free range
22 and that we anticipated the grazing would be the end use for
23 the mine site. That meant that we need to choose fairly
24 conservative clean-up levels for the site.

25 The one thing I want to mention too, is that drinking

1 water is not a concern in this community because the water is
2 piped in. We spoke with Indian Health Service and they
3 confirmed that there are water lines out to the homes in the
4 area. Next slide.

5 So one of the ways that we address the risks are
6 proposed clean-up levels, and we can base that on cultural
7 uses and the land use. And we evaluated cultural life ways.
8 We looked at a level that we can distinguish from the
9 background level of one Pico Curries per gram and, you know,
10 are able to measure that in the field.

11 We evaluated the fact that it's within EPA's acceptable
12 risk range. By addressing the radium, we address all those
13 other contaminants of concerns that I mentioned.

14 Then we developed this engineering solution to the
15 problem using EPA's decision criteria. That decision
16 evaluation criteria includes the effectiveness, so that would
17 include things like protectiveness, other laws that the
18 Navajo Nation, or the State or other agencies have and
19 regulations. The permanence of the remedy, toxicity,
20 mobility, and volume and other things like this.

21 We also considered implementability so that accounts for
22 things like feasibility of the remedy, are administrative
23 services available to actually carry out. And whether the
24 community or the tribe have as a reaction to the proposed
25 alternative to the bill. And then finally, cost is also

1 evaluated.

2 So, we take all that information, we put together our
3 proposal, we brought out our EE/CA document. We respond to
4 the comments that the public sends us in writing or issues
5 here at these meetings, and then we respond to those comments
6 and make a decision, and then we take action. Next slide.

7 So in terms of what's next in the clean-up process; our
8 comment period runs until September 9th, as Luis mentioned.
9 Please send your letters to my attention, have them
10 postmarked by the 9th, that would be appreciated. EPA will
11 issue the decision once we evaluate your comments and we'll
12 begin the legal negotiations, the technical planning and
13 begin the clean-up of the mine at that point.

14 So, you know, we've heard -- so far, we've already heard
15 from the community that you wanted more time to evaluate the
16 remedy. So as Luis mentioned, we extended our public comment
17 period by 60 days. We'll respond to all those comments again
18 in writing for the record.

19 The next public meeting will be held at the Church Rock
20 Chapter House on August 25th at 6:00 p.m. So I encourage you
21 to come to that. Again, if you feel like your questions, or
22 your comments haven't been heard, and encourage other people
23 to come, please.

24 We'll develop our response in the summary to these
25 comments, and the decision document that we call the action

1 memo, we're hoping September, October time frame. But it
2 really depends on the number of comments that we receive.
3 We'll begin negotiating an agreement with the United Nuclear
4 Corporation in 2009, 2010.

5 We will have a design work group to start developing the
6 remedy for the site, and we would include our other
7 regulatory partners in that process that includes Navajo EPA,
8 the Department Of Energy, the Nuclear Regulatory Commission,
9 EPA Region Six and the State of New Mexico as part of that
10 design team, and that would probably be in 2010. The final
11 mine site clean-up is anticipated to go from 2011 to 2015, a
12 four-year span.

13 So one of the things I mentioned earlier, one of the
14 things we'd like to do in the short term is conduct something
15 we call the interim removal action, or action we'd like
16 United Nuclear to conduct that this summer and fall. That
17 would be for the areas contaminated beyond the footprint of
18 the mine site.

19 So that would involve taking all the soils from
20 surrounding residences that already have been cleaned.
21 Taking care of the arroyo sediments, they go down quite deep,
22 and do that all to this 2.24 Pico Curries per gram radium
23 clean-up level.

24 Those materials will be moved temporarily on to the NECR
25 mine site until the final removal action occurs. Those

1 materials also currently on the NECR mine site that have such
2 a deep base would be regrated so that rain storms would wash
3 those materials back onto the mine site into Pond Three
4 rather than down into the residential area, or into the
5 arroyo.

6 EPA anticipates that we'd have a decision memo -- I'm
7 sorry -- an action memo committing to this work in an
8 agreement with the UNC in the near future. We would oversee
9 their activity on the field along with Navajo EPA staff.

10 UNC anticipates mobilizing in the summer and working
11 until the late fall. We're also offering voluntary temporary
12 housing for the families that are in the immediate vicinity.
13 There are three home sites that would be impacted by this
14 work. And it would be a lot safer for those families to be
15 housed in an off site house while the work's being conducted,
16 because of the heavy equipment and the inconvenience.

17 So these are the alternatives that EPA is evaluating.
18 It's kind of a busy chart, and I apologize it's kind of
19 small. There are hand-outs on the table.

20 Essentially, those alternatives go to the following:

21 Alternative 1 is required by law, that's no action.

22 Basically, EPA is required to consider doing nothing with the
23 site.

24 Alternative 2 involves taking all the materials off the
25 mine site, taking them to an off site disposal facility where

1 they would be addressed.

2 Alternative 3 involves a simple cover on the mine site
3 with no liner underneath it.

4 Alternative 4 considered what we call a repository
5 that's more of an enclosed, a fully enclosed, encapsulated
6 cell or disposal option 4 on the mine site property.

7 Alternative 5 considers taking all material off the
8 Northeast Church Rock Mine to the Super Funds site next door,
9 the United Nuclear Corporation Super Funds site and building
10 a similar repository, a fully encapsulated repository, on the
11 UNC site.

12 There are sub options under 3 and 4 and 5. Those
13 sub-options include taking the materials that are most
14 heavily contaminated for radium to either the UNC facility or
15 to an off-site disposal facility. And those are estimated to
16 be about 10,000 cubic yards of material.

17 So, in terms of going through this analysis, we feel
18 like we forged unity in terms of common interest and, this is
19 what we've come up with.

20 Some of the definitions: When I use the term, cell,
21 that's the Nuclear Regulatory Commission's terminology for
22 how they've taken care of these radium contamination for very
23 long time.

24 EPA's term, repository. By that I mean, this fully
25 encapsulated cover system that has a cover on top of it, that

1 it's impermeability, it prevents rain water from coming into
2 it, and there's also a bottom liner that would prevent
3 material from leaking out of it.

4 The other term is kind of a technical point. It's
5 called principal thread wave. Again, that's this more highly
6 contaminated material that we would consider managing
7 separately.

8 Alternatives 2 through 5 are all equally protective for
9 the Northeast Church Rock Mine Site facility. So when I said
10 we're proposing to take all the materials off the mine site,
11 or keeping them in place, all those remedies would be equally
12 protected under the criterium that we evaluate. We would
13 make sure that this site will be safe for grazing and housing
14 once the remedy is completed.

15 The advantages and disadvantages of each of those
16 alternatives include, like for Alternative 1, we don't
17 consider it protective at all. The residential area would be
18 re-contaminated from sediments and erosions from the mine
19 site. The livestock would probably get on the mine site
20 again. It used to happen in the past, and we had concerns
21 about that.

22 Alternative 2, taking all the material to an off site
23 disposal facility would be protective. It come at a very
24 high cost. It would be very time consuming. It's estimated
25 to be nine years' of work. We anticipate about 45 trucks a

1 day for nine years. And the emissions from that -- from all
2 that work to haul the materials to this off site disposal
3 facility up to a thousand miles away would be significant.

4 Alternative 3. We have concerns about access control.
5 This is the one where we leave the waste in place with just a
6 simple cover. You know, we would be concerned about the
7 lands being regrazed. We would design it so that there would
8 be protective layers to top, but we'd still be concerned
9 about impacting that cover over the long term.

10 Alternative 4. We would consider a good option. It
11 would be fully encapsulated waste, but we still have concerns
12 about access because it would be left on the mine site
13 proper.

14 Alternative 5 we consider a better option. There are
15 significant advantages when considering the access control.
16 It's fully encapsulated. In terms of protectiveness and
17 implementability and costs, it appears to balance the various
18 external interests, including being off the tribal trust
19 lands, off the Navajo Nation.

20 We've laid the ground work with some of the other
21 parties that are involved with UNC site, including EPA Region
22 Six, the Nuclear Regulatory Commission and Department of
23 Energy and State of New Mexico for such an option. Okay.

24 So Alternative 5A is EPA's preferred alternative. This
25 would involve -- a little more detail on this slide,

1 excavating all the mine waste from the NCR sites, and also
2 the sediments in the arroyo that would exceed 2.24 Pico
3 period per gram of radium. So we would design and
4 consolidate that into existing disposal cell on the Super
5 Funds sight or construct a new cell on the same UNC site. On
6 that site is currently under the control of U. S. Nuclear
7 Regulatory Commission. If we were to build our own cell, we
8 would anticipate that would be a 30 acre footprint.

9 Our preference so to build it on top of the existing
10 waste cells. By other measure, we're estimating about four
11 feet of material would be up above the existing grade. We
12 would cap that with an impermeable cover. It would also
13 include a liner that's also impermeable. We would riprap it,
14 which means add rocks to it to prevent the cover from being
15 eroded over time. And then we would add vegetation to that.

16 This repository would be required to meet design
17 standards of a thousand years' life for a minimum of two
18 hundred years' life by a law called the Uranium Mill Tailing
19 Radiation Control Act. That also requires that any radon
20 that comes out of the material could not exceed a standard of
21 20 meters squared per second. That's just a measure of how
22 much radon would come up out of it.

23 So what we call the principal thread waves are more
24 elevated materials would be taken off site to a licensed
25 control disposal facility.

1 The Northeast Church Rock site would be restored with
2 erosion and storm water controls regrated and then
3 revegetated for grazing reuse and/or building homes. We
4 estimate it would take four years and cost \$44 million.

5 So I just want to point out that when EPA originally
6 starts looking at this, these options for the site, we
7 started with Alternative 3, because that was viable and fully
8 productive of people in the area.

9 But as we began developing the document, we did
10 extensive consultation with the Navajo Nation, with our other
11 regulatory partners. We involved some community members as
12 part of our process. We had a number of work shops on the
13 way, and we listened to feedback from people on the way. So
14 we've actually moved from 3 to Alternative 5A.

15 We will continue to consulting with our partners, with
16 Navajo EPA, with EPA in Dallas, with the NCR and DOE, the
17 State. We mentioned intend to bring those parties into a
18 design work room to plan the next steps. This site and the
19 mine site would be freed up for grazing. The only areas that
20 wouldn't be available for use would be where the shafts are.
21 Those are plugs in them and they're, as I understand, they
22 are filled up with material overburdened and waste from the
23 mine site. Where the material is going, the UNC mill site in
24 the Super Fund site, and that will be under the Department --
25 control of Department of Energy. And that's it for this

1 slide.

2 Rose, are you okay?

3 I have an illustration -- again, it's probably hard to
4 see. I'll just show you with my pointer the NECR Mine Site
5 is over here. All these materials will be excavated. They
6 will be trucked down the short stretch of Route 566 to an
7 area where the current UNC national radium site is, where
8 these radium impoundments are.

9 What we'd like to do is use the entire area, not just
10 what I've indicated with the light blue, but use the entire
11 area for the disposal of the site -- for these materials and
12 then we build the cover-up on top of that. The idea that the
13 cover would be designed in such a way to prevent rain water
14 from infiltrating it, so it needs to be -- water management
15 is a key part of this remedy, and in doing so will improve
16 the existing cover system at the mill site.

17 The alternative is, if this doesn't work out for the
18 EPA, take it over to the existing impoundment, we would
19 alternatively take it across the highway, still on the UNC
20 site and build a new cell. And in that scenario, we can no
21 longer leave it in DOE's care. It would become the care of
22 the United Nuclear and EPA for eternity. The next slide.

23 Just giving you an idea of what the cross section of the
24 cover looks like.

25 So we have an area of the existing waste and EPA would

1 put in an impermeable lining that would prevent material from
2 water, or new waste from leaking down into soil and impacting
3 ground water. Ground water is approximately 100 feet below
4 that grade. Above that liner then would be the NECR waste.
5 Above that would be another low impermeability layer of the
6 cover, basically.

7 But on top of that, we have this radon barrier to try to
8 prevent any gas from coming up out of it, followed by a rock
9 layer to armor it to prevent it from eroding over a long
10 term. And then on top of that, we have soil limits and a
11 vegetative layer. The idea being so that when it rains,
12 water would drain off of the site, not down into it. And it
13 would be fully encapsulated depository. Next slide.

14 And so in terms of the advantages of Alternative 5A, it
15 allows for regrazing for use of the site, and the most
16 contaminated material from the site would be taken entirely
17 out of the area. It's a non-technology. This would be a
18 state-of-the-art repository, fully encapsulated to provide
19 better access control for the mill site.

20 We would be reducing the toxicity, mobility, and volume
21 of materials that are there by taking those to an off-site
22 disposal facility, and the operation and maintenance of the
23 site would be reduced. Those materials would be dried out
24 before they are added to the cell and then covered.

25 So Alternatives 2 through 5 again, are equally

1 protective in terms of removing all the materials from the
2 mine site. We've been coordinating closely with our
3 partners. We will continue to do so in terms of the design
4 of the remedy. We believe Alternative 5A is faster, safer
5 with less traffic, smaller trucks involved, less pollution.
6 It'll improve the existing cells at the UNC Site and reduce
7 long term operation and maintenance, as well as cost in
8 managing this material.

9 Okay. That concludes my presentation.

10 MR. GARCIA-BAKARICH: So at this time, we'll
11 just -- so if you could think about your questions, we're
12 going to offer our court reporter about five minutes to take
13 a break, drink some water. I'd like you all to do the same.
14 We have some refreshments in the back. We'll reconvene in
15 about five minutes from now, and we'll take your questions
16 and open up for your comments. Thank you.

17 (A RECESS WAS TAKEN.)

18 MR. GARCIA-BAKARICH: I'd like to call the
19 meeting back to order here. So if you can put that sandwich
20 together real quick and grab your seats.

21 Just a couple of things to clarify real quick is that
22 during the formal Q and A session, we're going to be making a
23 couple of notes on the pad. Everything that's said is going
24 to get recorded through the court reporter. But if we have
25 any particular action items that we want to take back with us

1 to San Francisco right away, we're going to write them down
2 on the board. So we're going to be kind of capturing what
3 you have to say in two different ways this evening.

4 I had a request from Mr. King. He wanted to make a few
5 comments he said he had to leave early this evening, so I
6 want to give him the opportunity to say his peace, and then
7 -- this is in is going to be for the formal comment. So we
8 can just make that note then. .

9 MR. KING: My first question is: August 25th
10 is a public meeting in Church Rock. What's the difference
11 between a public meeting and a public hearing besides having
12 our comments recorded officially? And I didn't see on the
13 e-mail about any public hearing at the Church Rock meeting.
14 Does that mean any comments, anything that we have to say in
15 Church Rock is not going to recorded again? Why can't we --
16 why can't this meeting just be down -- just narrowed down to
17 one meeting and have the comments recorded from each meeting
18 instead of just one meeting? Because it seems like there's
19 some people that were at the first meeting that weren't able
20 to make it tonight. That's my first concern.

21 The other one is: I think the community is still very
22 comfortable with Number 2, total off-site removal. Although
23 the cost may be, what it's quoted there, but I think the
24 community is very concerned with Number 2.

25 5A my only concern with 5A is the liner. You've got all

1 the barrier that are going to be placed on top of the waste.
2 The liner will -- I only heard a liner. That means one line
3 that's going to be at the bottom of itself. But the waste --
4 I'm concerned about the weight of all the material that's
5 going to be sitting on top, any leakage that's going to cause
6 from the pressure of the rocks or puncturing the liner.
7 That's my other concern.

8 But I'll have more comment at the Church Rock meeting.

9 MR. BAIN: Okay. Thank you. If I may, we
10 will have a court reporter at 25h so we will be taking verbal
11 comments. Thank you.

12 MR. KING: Thank you.

13 MR. GARCIA-BAKARICH : So now we'll just have
14 a quick general, you know, questions and answer session. If
15 you have any questions specific to tonight's presentation, or
16 to the EPA document itself. And ma'am in the back.

17 MS. HEAD-DYLLA: Yeah, I have a question about
18 the --

19 THE COURT REPORTER: What is your name?

20 MS. HEAD-DYLLA: Candace Head Dylla. I'm with
21 a the Blue Water Valley Down Stream Alliance.

22 I have a major question I've heard about tonight's
23 presentation because this is supposed to be a public
24 hearing. Where You're gathering information. Go I
25 understand that right from the public? And you're gathering

1 information from the public for what purpose?

2 MR. BAIN: If I might. The purpose of this
3 public comment period is to gather whatever reactions the
4 community has to the Engineering Evaluation Cost Analysis all
5 are alternatives. Whether you like our preferred
6 alternatives. If you don't like it and if you have an
7 alternative preference, if you would please tell us why you
8 feel that that's a better option, you know, just the
9 critical thought that goes into that evaluation. We need
10 other perspectives as part of our meeting.

11 MS. HEAD-DYLLA: So are you saying that you
12 care about what the community said here tonight?

13 MR. BAIN: We do care.

14 MS. HEAD-DYLLA: You do care. So what we say
15 don't matters?

16 MR. BAIN: It matters.

17 MS. HEAD-DYLLA: Then my question, my follow
18 up question is: Why then did you go into so much trouble
19 with providing us with 5A, because what it feels like, from a
20 community member's perspective is that once again, we're
21 being railroaded into one option before you've really heard
22 what the community has to say, number 1.

23 And number 2, it flies in the face of what you said were
24 consultations with the Navajo EPA. Navajo Nation has said
25 they are going to take more waste on Navajo country -- on

1 Navajo land.

2 So you're saying: "We're here and we want to sell you on
3 this 5A," and yet it flies in the face of Navajo Nation, and
4 you have not yet heard what the community has to say. But,
5 "Here's 5A, and ain't it great?"

6 And I'm saying that's not how you honor what the
7 community has to say.

8 MR. BAIN: Thank you for your comment. And
9 you know, again, we're interested in hearing about all
10 perspectives about all the alternatives, and you know, we
11 have a preferred alternatives. And as part of our process to
12 show that we feel that this is the best option, based on our
13 analysis. But certainly, everybody else is entitled to their
14 opinion. Kirk?

15 MR. MCCARTHY: Yeah. I'm Kirk McCarthy from
16 the legal offices in San Francisco. The Super Fund law, and
17 the NCP, which is the National Contingency Policy, which is
18 the national policy of the Super Funds, provide for this
19 process, and they say that we need to afford preferred
20 alternatives in our new documents that we presented to the
21 public for comment.

22 The reason for that is if we presented you with five
23 separate alternatives and presented them all equally without
24 the preferred alternative being expressed, people would not
25 know what direction we're heading. They wouldn't know what

1 direction to make their comment. So they would be looking at
2 every alternative, including no action at all would be given
3 an equal weight in that early decision making process.

4 But the process is such that as we move, as we gather
5 information, do investigation and begin to look at ideas,
6 things tend to narrow in terms of the options that are best.

7 But we don't make a final decision until after the
8 public comment period and we've heard community input taking
9 that into account along with all the other information we
10 gathered. And then we make a decision and issue a decision.
11 But the idea of having a preferred alternative is intended to
12 give the community a more meaningful opportunity to comment
13 on what they see us as moving toward in the decision. Does
14 that help.

15 THE WITNESS: Well, it helps me understand
16 that EPA is not that serious about their criteria for
17 honoring the community's wishes because this community has
18 spoken about other alternatives, and it doesn't seem that
19 this is what they're zeroing in on, this particular
20 preference. Then it means that criteria of honoring the
21 community's wishes was not given as much weight as it should
22 been.

23 MR. MCCARTHY: Well, this is a formal
24 community's opportunity to comment. We have had many
25 discussions with many of parties of the communities over a

1 period of years, and those have certainly been taken into
2 account. But this is a formal opportunity tonight for people
3 to put comments on the record, all of which would be looked
4 at closely before making a final decision.

5 MR. GARCIA-BAKARICH: Actually, her hand was
6 up early. But her hand was up originally.

7 MS. ECONOMY: I'm curious where you -- I'm
8 with the New Mexico Mining and Minerals Bureau. You
9 mentioned the risk assessment methodology, but you don't
10 really say where you use it. I'm presuming you're using it
11 to determine the 2.24 Pico Curries per gram, final clean-up
12 levels. And did you use it in selecting the best alternative
13 for performance alternative? For example, I know there is a
14 risk involved with taking all this stuff off-site. I mean,
15 there is a huge risk involved with taking it off-site.
16 You've got pollution risks, emissions risks, traffic risks.
17 So, I'm just wondering where this risk assessment methodology
18 was used.

19 And then, you segway into a performance assessment,
20 which is also a type of risk assessment for picking
21 Alternative Number 5A?

22 And the other thing I have is: What is your exceedance
23 level? I mean, I presume that's lower than controlled threat
24 waste? Is that anything above 2.24 waste? What's an
25 exceedance level?

1 MR. BAIN: I'm not sure what you mean by
2 exceedance level.

3 MS. ECONOMY: Because you have right here in
4 Alternative Number 3, cover all exceedance wastes.

5 MR. BAIN: Okay.

6 MS. ECONOMY: And then in 5A, you have
7 excavation and disposal of most wastes to UNC. So what's the
8 difference between exceedance waste and most waste? I'm
9 thinking that one Pico Currie above that 1.24 above
10 background.

11 MR. BAIN: Okay. So in the chart, we're
12 talking about removing everything above 2.24 Pico Curries per
13 gram. That was based on looking at the risk of rating 2.6.

14 THE WITNESS: Right.

15 MR. BAIN: And taking one Pico Currie, adding
16 1.24 to that, which is residents of -- part of our acceptable
17 risk range for radium.

18 THE WITNESS: Risk for cancer?

19 MR. BAIN: Correct. Thank you. Cancer.

20 And then so the other part of your question that I would
21 like Liz Adams, our Associate Director, to answer.

22 MS. ADAMS: Basically, you were talking about
23 two different types of risks. Risk assessment is a
24 scientific process we go through to determine what the risk
25 is from a chemical. If you eat it, if it gets on your skin,

1 if you inhale it. So those are the different -- like what
2 Andy was talking about how you can get exposed to it. So
3 that helps us come to a clean-up level.

4 The other risk you're talking about are kind of as we
5 walk through the criteria, looking at each of these
6 alternatives, we have to take into consideration all those
7 different aspects of what we more commonly think of the
8 risks, like -- such as traffic and/or basic, like what are
9 the emissions going to be.

10 Are there other health impacts that could happen? Can
11 we actually perform the remedy? Can we get enough -- that's
12 -- just basic stuff like that. So each one of those
13 criteria we kind of go through. If we do this remedy, what
14 would it be like? What do we have to gather together to do
15 that? Are the risks? So there's two different types of
16 risks.

17 MS. ECONOMY: Okay. Then let's go back to the
18 exceedance level. What is -- what was that concentration?
19 Is that on the risk assessment, or is that 200 Pico Currie?
20 And we have cover all exceedance waste?

21 MR. BAIN: Right. So, you know, that
22 basically is taking everything above 2.24 Pico Curries per
23 gram, consolidating that on-site as part of a repository
24 on-site, so it's a simple cover. So it's gathering
25 everything from throughout the footprint, 155 acres and

1 putting that in this cell.

2 So the other issue you're talking about is principle
3 threat waves for those levels that are significantly higher
4 than what we found at that the rest of the site.

5 That's really just using statistical comparison of the
6 data that is spread with the availability of the data. And
7 we've targeted 200 Pico Curries per gram radium, or a roughly
8 equivalent to 500 micrograms per kilogram of uranium.

9 MS. ECONOMY: Okay. Then on Alternative
10 Number 5 when you say, "Remove most of the waste."

11 So what's going -- I mean, I hate to be the devil's
12 advocate here; so what's going to remain?

13 MR. BAIN: So we'll be taking all wastes off
14 the NERC site above, the 2.24 Pico Curries per gram. Most of
15 that, we would take to the UNC site with those principle
16 threat wave, which is roughly one percent, or 10,000 cubic
17 yards of material would be taken to an off-site disposal
18 facility for a separate permanent disposal.

19 MS. ECONOMY: Yeah. The impression here on 5A
20 is that you're going to leave some waste on the site and not
21 put them in cell or repository. That's the --

22 MR. BAIN: Hopefully, you have a copy of our
23 EE/CA.

24 MS. ECONOMY: Yeah.

25 MR. BAIN: Kathy, if you need a copy of our

1 EE/CA, we'll certainly be happy --

2 MS. ADAMS: We'll clarify that, I'm pretty
3 sure.

4 MR. GARCIA-BAKARICH: Thank you. I seen a
5 hand up back there. Would you mind stating your name,
6 please.

7 MR. JAMES: Stanley James. I live just may be
8 about six miles down that way, just west of -- I just want to
9 question: How far have you got if you're talking about rain
10 and mud over here, as well as what -- are you talking about
11 just the mine, right?

12 MR. GARCIA-BAKARICH: Right.

13 MR. JAMES: Away from the mine? How come?

14 MR. BAIN: So the area we're talking about is
15 just the Northeast Church Rock Mine, but it also includes the
16 areas down the slope from that out to Red Water Pond Road.
17 You know, we chose to stop at Red Water Bond Road because
18 that was the area that was our first focus.

19 We acknowledge that there are probably impacts from the
20 Kerr McGee Mines that were up there, the ^ Qufvira Mines
21 nearby. But for the purpose of this investigation, we just
22 focused on what we saw as the impacts from the Northeast
23 Church Rock Mine Site. And that's because we were
24 specifically called to look at this site by the Navajo
25 Nation.

1 Right next door is the area that our Dallas office of
2 EPA and the NERC are managing. Does that address your
3 question?

4 MR. JAMES: I had another question. Well,
5 that does. When they start drilling for uranium there's a
6 bunch of -- there's drilling way over here where we live.
7 Does that -- that kind of dangerous when they pump the water
8 out?

9 MR. BAIN: So you're talking about during the
10 historic?

11 MR. JAMES: When they started. When they
12 started drilling for the uranium mine. Where we live is a
13 bunch of them, and they have pipes sticking up from the
14 ground. So is there any way in that they're going to be
15 damage the family, or anything like that?

16 MR. BAIN: I think you're talking about some
17 of the exploration cords that were taken in other areas.

18 MR. JAMES: Well, they have been drilling all
19 over the places to look for uranium. That's where my
20 question is. Is it kind of dangerous for people that live
21 close by, because where we live, there is a bunch of -- on
22 top of the hill, it's about 500 feet.

23 MS. ADAMS: Where do you live? What area?

24 MR. JAMES: There's a gas station as you come
25 in. There is a gas station, I live right behind that hill.

1 And another thing, we used to have a windmill right
2 there on Old Church Rock Mine. That's what we used to call
3 it, Old Church Rock Mine. There was a windmill there. We
4 used to haul water from that place to our home. After they
5 start cleaning that mine, the wells went dry. I was one of
6 them that was cleaning that mine underground to reopen the
7 mine. When they started cleaning, you should see all the
8 stuff they left below these mines.

9 MR. BAIN: Well, if I could. I mean, I have a
10 couple of you know blank cards, and if my colleagues want to
11 chime in.

12 One of the things that EPA has been doing for the past
13 decade was really taking a look at all the uranium mines on
14 Navajo country and trying to capture areas of exploration and
15 production, including the area called the old Church Rock
16 Mine, some would call it Section 17 down the road here.

17 MR. JAMES: Yeah.

18 MR. BAIN: You know, that particular site is
19 under the purview of the Navajo Nation. That's their lead,
20 so I might defer to Dave or Eugene or Frieda or somebody from
21 Navajo EPA to explain what they're looking at in terms of any
22 exploratory wells, or the risks from that particular site.

23 But overall, EPA and Navajo EPA are coordinating to look
24 at all the abandoned uranium mines and all the impacts from
25 those, including those things like homes that were built out

1 of radioactive ore, includes looking to see if groundwater is
2 impacted in any consistent way from the mine.

3 So that might be some of the things you're getting at by
4 drilling down, were there impact to the groundwater, also
5 that those cords were brought to the surface, you know, might
6 still be radioactive and scattered on the soil.

7 MR. JAMES: Yeah, that's what I'm asking, they
8 are kind of around the area.

9 MR. BAIN: Yeah, you know, yes, that would be
10 a problem.

11 Dave -- does anybody from Navajo EPA want to say what
12 you're working at?

13 MR. TAYLOR: Well, the Navajo -- my name is
14 Dave Taylor from the Navajo EPA. The Navajo EPA has been
15 coordinating with uranium resources to ensure the responsible
16 party out in the Section 17 area, and pursuant to an
17 agreement of cooperation we have with them, they have a cite
18 assessment in that particular area.

19 I don't know where you are in relation to that, but what
20 I would suggest you do is after this meeting, discuss that
21 with the gentleman right next to you, Mr. Eugene Esplain of
22 the Navajo EPA, and he can tell you more precisely what's
23 been going on in your area and how we will -- I may be able
24 to help.

25 MS. ECONOMY: Dave, you also asked about

1 compensation, right? We can find that out. But do you know
2 -- did you ask about compensation, whether we still have
3 mine features on near you. Do you know about that aspect?
4 We could find out for you.

5 MR. TAYLOR. No, I don't. The only
6 compensation I'm aware of is from the uranium mine workers
7 under RICA. But you have to have been a uranium mine worker
8 to access that.

9 MR. BAIN: Okay. Thank you.

10 MR. GARCIA-BAKARICH: Thank you for your
11 question. All right. Please state your name.

12 MR. NEZ: My name is Teddy Nez, and I'm from
13 Red Water Bond Road and I have a couple of questions.

14 Responsibility issues to where in this presentation and
15 the last presentation that was mentioned in the EPA, NRC DOE,
16 IHS, BIA. So for example, when this is an U. S. EPA topic,
17 the only question -- and then they just pass the buck to
18 NCC. They just say that it's NRC's responsibility. So where
19 do we end this chasing the tail? That's one of them.

20 And then on the -- you keep saying that -- you started
21 saying that four families would clean around four homes.
22 That's what you started out. And then you said four
23 families, but later on in your presentation, you said three
24 home sites. So in actuality, can you guys take the word off
25 where the contractors say, is it two Navajo homes.

1 So right now, we have a question on the eastern side of
2 Red Water Pond Road, is there going to be any action taken on
3 that, versus the third home that was cleaned around, or
4 partial clean-up that happened here because is being
5 introduced by U.S. EPA?

6 MR. BAIN: So Teddy, if I might. I will stand
7 back here so I can see your various points.

8 First question about the different regulatory agencies
9 that are involved here. You know, it really depends on the
10 jurisdiction, the land status.

11 So at the Northeast Church Rock Site, because that's on
12 tribal trust land, EPA has jurisdiction under Super Fund and
13 EPA Region Nine, because there's an agreement between our
14 various regions, with Dallas, with Denver and the Navajo
15 Nation for us to take the lead.

16 NRC has some role there because they did permit some
17 aspects to the site including, I believe, the ponds and I
18 mentioned the storing of tailings down into the stones and
19 shafts of the mine sites. So that's an area that they have
20 responsibility.

21 Over at the UNC mill site, the NRC has the lead for the
22 soils at the site. Dallas EPA has the lead for the
23 groundwater site. So it just depends on the land status and
24 it also depends on the agreements that those parties have in
25 place.

1 So when we begin looking at different option for dealing
2 with the waste that Northeast Church Rock, we had to involve
3 those different players, whoever has the lead
4 responsibility.

5 So by our taking the waste from Northeast Church Rock
6 and putting it on the UNC Site, we have to work with NRC and
7 Region Six. First of all, once the Super Funds site gets to
8 a point where it can be transferred to DOE, then it would be
9 in their lead forever.

10 But as far as I know, IHS and BIA, you know, have other
11 roles there, including the water systems. And I think BIA
12 had some role at the Kerr McGee Qufvira site.

13 So your other question was taking action in the area. I
14 mean, I count from 2007 removal action, there were two
15 properties on your home site. There were two areas in the
16 home site that we excavated, half acres.

17 There were also two also over across the arroyo. I'm
18 sorry. There was a hogan and a trailer across the arroyo.
19 There was a property that's not occupied now, but which we
20 did removals on two of the homes. And then we did a removal
21 action at the one home to the east of Red Water Pond Road.

22 But the work we're talking about doing the removal
23 action this summer would address the areas on the outside of
24 those footprints. And ultimately, I think your question is,
25 what do we intend to do with the soils, and perhaps the

1 sediments beyond Red Water Pond Road --

2 MR. NEZ: On the east.

3 MR. BAIN: -- including the east side of Red
4 Water Pond Road, and I think that's a good question for
5 future investigation. That's not the scope of what we're
6 talking about doing at the Northeast Church Rock, but we have
7 initiated conversations with the Kerr McGee players.

8 MR. NEZ: Now you're talking six homes.
9 Another comment, or this pertains to vegetation, the one that
10 we have seen the one that has been done. In your report, you
11 reference title -- based upon the re-vegetation that was
12 initiate, based upon New Mexico Administration Code, and
13 Mining Act Reclamation Program, that's the way it's stated.
14 And then it was under Title 19, Chapter 10, Part V.

15 And then when you look in there, there's a -- that
16 document was prepared by UNC. And then it referenced that
17 the work was -- that there that was prepared by NWH, and then
18 it has the sections under soil -- site soil, surface water,
19 vegetation, wildlife, and erosion control. That's the way
20 it's stated in your report.

21 So with this re-vegetation that's being talked about,
22 the one that is happened on the interim, and even on the
23 EE/CA, is this same thing going to be applied? Because if
24 that's the same thing, then it didn't work out last time.

25 MR. BAIN: So Teddy, I think what you're

1 referring to were some documents that were developed by UNC
2 and a contractor NWH at part of the reclamation planning
3 that's the Mining and Minerals Division had intended before
4 EPA took over the site and -- I don't know. Katherine, do
5 you want to say anything about that? Are you familiar with
6 the study?

7 MS. DUNCAN: No.

8 MR. BAIN: Okay. So my only point would be to
9 tell you what did those studies, did we reference them in our
10 EE/CA? We'll use some of that information, but I'm sure as
11 part of our design team, we have our own ideas and that
12 includes talking to the state and the other agencies to come
13 up with the best Reclamation Act and re-vegetation.

14 MR. NEZ: In your report, you said that you
15 use this method, this plan. So that's what I'm referencing,
16 your plan.

17 MR. BAIN: We considered the plan, yes.

18 MS. DUNCAN: Yeah. Let me add that the New
19 Mexico Mining and Minerals, we get reclamation plans from
20 operators all the time, and just because the operator issues
21 them to NM Mining and Minerals doesn't mean that we are
22 rubber stamping them as approved. They go through our review
23 process and a lot of scrutiny, and obviously, you know, it
24 got elevated up to EPA.

25 It doesn't mean we implicitly approve that reclamation

1 plan just because it was submitted to Mining and Minerals.
2 So we -- now, it's in a different place and we're in full
3 accord with what EPA wants to do. We're not saying we should
4 do it our way.

5 MS. ADAMS: And our intention is to do -- to
6 make the re-vegetation so it works. So in the design, we
7 have ideas for how it will work better, let us know. But I
8 mean, we will make sure that it maintains -- that it's
9 maintained and that it actually grows.

10 That's one reason that we moved the site so that the
11 re-vegetation in that land can be re-used, so the
12 revegetation is important.

13 MR. NEZ: I guess I'm going to think about
14 that, but I've got comment to make sure.

15 MR. BAIN: Thank you, Teddy. State your name.

16 MR. HOOD: My name is Tony Hood. Good
17 afternoon. Good evening. You know, we've been talking about
18 step-out zones, boundaries, fences.

19 Mother Nature has no regard for stuff like that, any
20 form of rain, drainages, wind, all that contamination swirls
21 around when the wind blows. And water just runs from the
22 mine site, and it overflows where the road crosses the No
23 Named Arroyo, and it run down all the way to the cattle
24 guards when you drive through the children walking there. So
25 Mr. Bain, I'm going to ask you this question: If you were

1 me, would you live there? What is your honest opinion?

2 (TAPE

3 MR. BAIN: Well, I'm not you, but I appreciate
4 your concern about the site. You know, I want to assure you
5 that EPA's concerned about the short term and the long term
6 risks from the site, and we intend to work with the company
7 to make sure that it's done as soon as possible.

8 MR. HOOD: You haven't answered my question.

9 MR. BAIN: Well, would I live here? No, I
10 wouldn't live here, because I live in San Francisco and I
11 prefer to live in San Francisco.

12 But, you know, as far as the concern about the putting
13 myself in your shoes, I understand where you're coming from.
14 You know, I share the need to take action.

15 MR. HOOD: Then I also have a second question
16 regarding boundaries and stuff. I think we need -- you need
17 to take additional tests around the other homes maybe that
18 whole valley. That's my concern. Thank you.

19 MR. BAIN: If I might, Mr. Hood. Thank you
20 for your comments and I appreciate where you're coming from
21 in terms of wanting to know that it's going to be all right.

22 We did take actions to investigate more than just the
23 home sites that I was speaking with Mr. Nez about. We
24 actually looked at, I believe it was 14 homes in the valley,
25 including behind the ridge above the Northeast Church Rock

1 site. The only ones that we found problems were the four
2 home sites that were in the closest proximity to the
3 Northeast Church Rock mine.

4 MR. GARCIA-BAKARICH: Michele? Oh, I'm sorry,
5 Michele, he had has hand up earlier.

6 MR. TOM: Good afternoon. My name is Tony
7 Tom. And I'm kind of wondering, you know, where the mine
8 actually was, and I don't know when we started paying for
9 that. It's a yearly fee we pay for.

10 In early part of the '80s, all of a sudden, they started
11 running fences. They started running the cattle out of
12 there. They put a big fence up there, and ran cattle out of
13 there, you know, I suggested to the administrator in
14 Crownpoint.

15 They said, "We'll be out there."

16 They never, never, never, year in, year out, went like
17 that. Then once the new administration, I addressed it.
18 Nothing happened.

19 I addressed it to a third new administration and they
20 never addressed it until this past March, I think it was.
21 That's when the other three and a couple of guys came over,
22 and one of the administrators, Paul said, they're kind of,
23 "This is for livestock."

24 He was telling me -- he said, "You know, your
25 livestock? You own the livestock? That's just a hobby."

1 I said, "You know what? That's been carried down
2 generations. That's not a hobby. So those who live with
3 it.

4 And he kind of said, "You guys should just give it up."

5 And I said, "You don't what are you talking about."

6 "You know, just give up the land. Just get on with the
7 family. It's just a hobby, you know."

8 Then I said, "Maybe you do. White people do. That's
9 just a hobby. You know, they own an little ranch and then
10 they'll sell it and move on from here."

11 I said, "No, that's a generations. Grandfather grandma
12 had it year in, year out, we're still carrying it on, and I
13 still pay for my permit fee. I was not using it, still pay,
14 still pay until at least. It's okay. Hold on.

15 That's when the group came out, but one man work. I
16 addressed it to land board here in Church Rock, Coyote
17 Canyon, Standing Rock, just where are they? I don't know see
18 them. They never show up. And I think those administrators
19 in office should be at the meeting like this. That way
20 they'll know what direction we need to go. You know, right
21 now, you know, it's a good thing that my brother ran into
22 tribal land so we kind of knew about the transition there.
23 Transport the transfers on the tribal land, and that's been
24 seven, eight, nine years now that we're out there, but we're
25 still paying for it over here.

1 So, you know, it's costing a little, too, you know,
2 every year \$2,000.00 or \$3,000.00 every year. And it sounds
3 like it's not going to be re-seeded until the next ten more
4 years. You know, hopefully, I'm still alive by then. I
5 mean, you know, it seems like there's meeting, meeting that's
6 been going on forever, and then we're just dying out and
7 dying off, and some of these people probably positive that
8 we're just dying off. But you know, what we're trying to
9 look into and hold on to things for the next generation.

10 It's just a game. Just calls a meeting here, you know,
11 we need to get down and tighten back up, you know, start
12 working, start moving out. So like I said, it's just costing
13 me so much money, that cost me so much money right now. So
14 I'd like for whoever got a hold of all this, you know, I'm
15 looking into some compensation right now.

16 MS. DUNCAN: I just want to ask a question
17 make sure we understand. So you've been paying for a permit
18 to use --

19 MR. TOM: A permit to use --

20 MS. DUNCAN 3: -- the land that is Northeast
21 Church Rock Mine area?

22 MR. TOM: Right.

23 MS. DUNCAN: And who have you been paying it
24 to?

25 MR. TOM: To Crownpoint office.

1 MS. DUNCAN: Okay.

2 MR. GARCIA-BAKARICH: A grazing official or
3 who?

4 MR. TOM: Pardon me?

5 MR. GARCIA-BAKARICH: Who? Which office?

6 MR. TOM: The Land Bureau Office, and then
7 they changed that. They changed that office where you got to
8 send it to Scottsdale, I believe. What's Scottsdale office
9 got to do with the Land Board here, you know?

10 You know, like I was saying, these guys are just playing
11 games, you know, in Window Rock office and over here, too.
12 You know. Yeah, that's where I was paying my fee. Here, I'm
13 not the only one. There is several other people paying fee
14 for their livestock.

15 MS. DUNCAN: So your concern is you're paying,
16 but you're not allowed to use the land?

17 MR. TOM: Well, just last year, is when they
18 put a stop to it. They said, okay. Hold on, so it's on hold
19 now. They just said hold it. But in previous years, I had
20 been when it was fenced up.

21 MS. DUNCAN: Thank you.

22 MR. GARCIA-BAKARICH: Michele, and then you
23 had a hand up.

24 MS. DINEYAZHE: Michelle Dineyazhe, Navajo
25 Nation Super Funds Program. I guess I just want some

1 clarification.

2 During the presentation, I saw that there was -- you
3 guys mentioned one of the criteria of the national
4 contingency plan for the nine criteria for a site that's
5 placed on the national priority list. But this isn't a Super
6 Funds site, so the work that you're doing -- Andy, you said
7 that there was a time critical action?

8 MR. BAIN: Non-time critical.

9 MS. DINEYAZHE: No? Non-time critical
10 action. So this is not the final remedy; is that correct?
11 Is this the final remedy? And are you going to treat the
12 EE/CA as record of decision, or as a final decision document,
13 or how is that going to be played out?

14 MS. DUNCAN: Yeah, so, the Northeast Church
15 Rock -- first of all, I wanted to acknowledge your comment
16 and you know, when Andy says he lives in San Francisco, he
17 loves San Francisco. And we understand that this is a large
18 problem throughout all of this land.

19 And in fact, that's part of why our Region is working
20 with Navajo Nation EPA to look at all of the abandoned
21 uranium mines and what impact they might have. And I truly
22 understand about Mother Nature not having boundaries, so I
23 want you to know that part of why we're doing this action,
24 even though there's many other areas that need attention,
25 we're starting with this action and that's to help make it

1 safer for everyone that lives here. That's our intention
2 there.

3 So the process, this is not on an NPL site. We're using
4 time critical removal action. So -- I'm sorry. Thank you.
5 A non-time critical removal action. Basically, it give us
6 authority to come in and take an action if it's necessary.
7 And it has three criteria -- our guidelines -- and our
8 guidelines basically say that we need to look at and evaluate
9 all the different alternatives with three different criteria,
10 which we have kind of expanded upon.

11 So what will happen is this is an EE/CA document that
12 puts out the preferred alternatives, but then the final
13 choice will be in an action memo. And then there will also a
14 response to everybody's comment. So it's the action memo
15 that will incorporate what we've heard and any final changes
16 to the preferred alternatives, and basically, set that
17 forward in the action memo.

18 MR. BAIN: Michelle, if I may explain: So the
19 three criteria for non-time critical are effectiveness,
20 implementability and cost. But as Elizabeth mentioned, we
21 went a little bit beyond that in the EE/CA. So if you look
22 in the evaluation of the alternatives, you know, we described
23 issues like permanence, production of mobility, volume, and
24 toxicity, you know, community and final acceptance and so
25 forth.

1 So there are actually I think a fairly robust evaluation
2 of each of the alternatives, the reasons for those additional
3 factors.

4 MS. DINEYAZHE: I guess -- so to go beyond, I
5 guess to add more to that - so is this going to be a final
6 remedy for the Northeast Church Rock site, or is there going
7 be, or be more evaluation?

8 MS. ADAMS: There will be an evaluation of
9 ground water. This action is not -- because we haven't
10 looked at the ground water.

11 MS. DINEYAZHE: This is only for surface
12 soil?

13 MS. ADAMS: So it would be the final action
14 for the surface?

15 MR. BAIN: Surface and near surface.

16 MR. NEZ: Could you define near surface?

17 MR. BAIN: So Teddy asked me to define near
18 surface. You know, when I mentioned that we drilled down to
19 look -- to characterize the extent of the radium
20 contamination, we looked down to the native soil. So we got
21 throughout the mine site, we have pourings throughout the
22 mine site, as well as from the arroyo to define an extent,
23 both outward and downward.

24 MR. GARCIA-BAKARICH: You had your hand up?

25 MR. ESPLAIN: My name is Eugene Esplain. I'm

1 with the Navajo EPA Super Funds Office. This being a
2 non-critical removal action, means long term, not like
3 emergency, do it quick.

4 Now all these alternatives is going to take some time.
5 What if we choose one of things and we start doing it and the
6 other stakeholders, like NRC, makes us jump hurdles, or
7 refuses, or puts obstacles in a way to accomplish it, and
8 time and time, just keeps moving on year by year. Is there a
9 point where you say enough is enough, this alternative is not
10 going to work, so we're going to go back to Alternative 2,
11 which would have been choice in the first place? Have you
12 looked into that to see if it's feasible with the other
13 stakeholders at the table?

14 MR. BAIN: Well, thank you for the question,
15 Eugene. You know, I'd like to answer it in a couple of
16 ways.

17 The first point is, we want to come out and start taking
18 action in the summer. So that would be a time critical
19 removal action for the step-out areas and the arroyos just
20 beyond the footprint of the mine site. You know, we also
21 need to deal with Red Water Pond Road. That's, you know, one
22 -- first phase that we would plan to deal with at the site.

23 But as far as our preferred alternative of taking
24 materials to the UNC mill site, put them on the cells, if for
25 some reason NRC or DOE or the other players stayed, or Region

1 Six have problems with this design concept, and that's where
2 we intend to build a design work group with those players in
3 mind so we're not missing some of those key questions.

4 But you know what one of the things we've done -- I
5 mean, the intention in our decision making process is, if it
6 doesn't work out atop the existing cells, then we could put
7 it across the highway at a new cell, a new line, fully
8 encapsulated sell, still on the footprint of the Super Funds
9 site.

10 So that's part of the thinking that we have in it.

11 MR. ESPLAIN: These cells that you mentioned,
12 is going to be on the Super Funds site, are you going to need
13 all that area, or is just that one cess across the highway,
14 or that one area, do you need the whole area?

15 MR. BAIN: Can I draw the map of the site?
16 Then maybe you can show me where you're talking about.

17 So Eugene, I think you're talking about this area that
18 we've indicated in blue in the central cell. This was really
19 just kind of an initial concept, and the work that we're
20 doing is very conceptual. It's really going to take into the
21 design step to decide, you know, where specifically, and you
22 know, how much area is involved.

23 But the latest conversations that we've had with our
24 engineers would be to utilize all the cells, the north,
25 central and south cells where these cells are currently and

1 you know, potentially where the evaporation ponds are.

2 But if that doesn't work, the alternative site is across
3 the highway, you know. I apologize this is a kind of a rough
4 map.

5 But actually, my intent -- I'm not a graphic artist, was
6 to make this cell parallel to Route 566, not perpendicular or
7 diagonal. So those are the ideas that are used primarily on
8 all the cells that the UNC's tailings area, if not across the
9 highway.

10 If we go across the highway, that would be a cell that
11 would then be a responsibility of UNC with Federal EPA
12 oversight. Whereas, if it's left in this area, the benefit
13 is that it would eventually fall under the responsibility of
14 Department of Energy, along with the rest of the tailings
15 there. Thank you Eugene.

16 MR. GARCIA-BAKARICH: How many more questions
17 do we have? Just a quick show of hands. Show them out.
18 We've got one, two three, four, five. Okay. We want to also
19 try and save time, if we can, to try and get the comments out
20 there. So, you know, even though some of your remarks so
21 far, will probably be treated as formal comments, as well.

22 MS. ADAMS: And that's fine, because we'll
23 also have an another formal comment period in August.

24 MR. GARCIA-BAKARICH: That's right.

25 THE WITNESS: My name is -- I'm a Red Water

1 Pond resident. I was wondering about the line that you guys
2 are going to use. What kind of liner, and what do you mean
3 by state-of-the-art?

4 MR. BAIN: Thank you, Melissa. So the
5 question is: What are we talking about in terms of the liner
6 underneath the waste would be? Those would be native
7 materials, natural materials, rather than synthetic liner
8 materials.

9 So it could be things like clay that are naturally
10 impermeable. They prevent water from water coming into it in
11 the case of the low permeability layer on top cover, or in
12 the case of the liner to prevent material from continuing
13 down towards the groundwater. And these are designed to a
14 standard that, as it was described to me, if you had standing
15 water on top of the site, which we would intend to prevent
16 from happening by the grading of it.

17 If you had standing water on it though, at most, point
18 one foot, the one foot of water could eventually penetrate
19 into the cell per year, which is a very low rate. That
20 impermeability is measured in terms of how much material
21 might get through. It's an extremely low rate. And if you
22 have further questions about that, I could get with you about
23 that and explain it, and also have our engineer talk with you
24 about that.

25 THE WITNESS: The same question that Larry

1 has.

2 MR. BAIN: Okay. About the weight? So the
3 question of the added material on top of this, you know, at
4 this point, as a concept, EPA doesn't believe that that added
5 material would cause any impact to the groundwater. The
6 groundwater currently is being extracted. There aren't --
7 the program that Region Six EPA has been conducting was to
8 draw the groundwater down to prevent it from being in contact
9 with the existing weights, but to also remove the
10 contaminates from that groundwater.

11 The idea of putting additional materials on here first
12 of all, we would dry all our materials out so that they're
13 not added weight of moisture in there. Our understanding of
14 the existing wastes are that those have been tried out before
15 they were -- before it was engineered. It was compacted, so
16 that it wouldn't have space in between, so that it would be
17 one unit.

18 Does that address the question in general? And I think
19 it's partial. That's also a comment you're concerned about
20 additional weight having impact.

21 MICHELLE: Yeah, it is. We want state-of-
22 the-art lining.

23 MR. BAIN: Okay. So to have -- to develop
24 that state-of-the-art system, that's one of the things that
25 we've said we intend to have a working committee of other

1 agencies to help us design that system so that it prevents
2 water from getting into it, and wetting the already died
3 materials that we put in there.

4 So that's -- I mean, we're -- we have some engineers on
5 staff who would be working with UNC's contractors to do
6 that. And so that's the only division.

7 MR. GARCIA-BAKARICH: We're going to take a
8 question from the back of the room real quick.

9 MS. DUNCAN. (Through Navajo Interpreter)
10 Hello. My name is Katherine Duncan. I live around in the
11 area of the mountain where you're talking, where you're
12 discussing, and I live from there for a long time. And I'm
13 asking you to fix the problems there because we have a lot of
14 children there.

15 And you look around, you look around -- I look around
16 and you look at me. Look at me. I'm not healthy, and I look
17 at you and you're all healthy, and you're talking about this
18 plan like it was just a game. You're just playing games and
19 I'm asking you to fix it for us. We live here. We have
20 health problems, and we've had over four generations that
21 have lived in this area in those same conditions. I have
22 grandkids. I have family, sisters, nieces, nephews that live
23 there and it's for them that we need to -- we're asking you
24 to clean up the place.

25 And now you're telling us here, also is to cover cover

1 up the contaminated soil. And I'm asking you to store it and
2 take it away. Why did you dig it out if you didn't want it?
3 You should have just take it away and don't just cover it
4 there.

5 And you see me here. I'm barely getting around, but I
6 come to these meetings and I hope that what I'm asking you is
7 to fix the -- fix the lands so we can use it again, because
8 all you did was ruin our lands. We have beautiful places
9 that was beauty, and now, there's just piles of sand and
10 piles of rubble on our lands, which was once beautiful. And
11 make it so -- you talk about the lands here, and you're
12 asked, what about you? What do you think? And you come from
13 beautiful places. You come from beautiful places where
14 there's plenty of water and vegetation, and then -- but our
15 land has been ruined.

16 So I'm asking you to also look at water. The water is
17 just not clear, the water that's being piped in. But when it
18 rains, it runs everywhere and it ruins -- it gets into the
19 vegetation and the ground, so you need to look for more than
20 just the soil. I you have to look at the water. And then
21 I'm also asking you to do a study of our health. Look at all
22 the people that live in the area.

23 The comprehensive health study is what we're asking of
24 all the families, and also that you pay for it because we
25 have a lot of problems there, and we want all our children to

1 be also their health to be studied. And that is my request.
2 Thank you.

3 MR. GARCIA-BAKARICH: Thank you.

4 MR. BAIN: Thank you very much for your
5 comments. Thank you very much for your comment, and I feel
6 for you, in terms of the suffering you experience because of
7 the history of uranium mining here, and you know, I share
8 your concerns and you know, it's EPA's hope that we can come
9 out here quickly and clean up the site, fix the problems so
10 that it can be reused again for your generation and future
11 generations. And so, thank you very much for addressing
12 these concerns.

13 MR. NEZ: Can I add on to what she was talking
14 about for the record?

15 We have a document that we generated for the record of
16 the family that she was talking about to where there is seven
17 generations that we can recollect, and then this is only the
18 fourth generation that we can document.

19 We have -- we used the Social Service terminology,
20 household. There's eleven of them. Within that 11
21 households, we have 48 families. So within that 48 families,
22 we have 110 members. So we're not just talking about the
23 handful of people. We're talking about a bunch of people, so
24 I will submit this one for the record.

25 MR. GARCIA-BAKARICH: For the record, the

1 document is titled, "Red Water Pond Road Community
2 Household/Families".

3 MR. BAIN: Thank you, Teddy.

4 MR. GARCIA-BAKARICH: We had a land up here.
5 We're going to work back this way.

6 MR. HARJO: My name is Patrick Harjo, I'm from
7 Pinedale Chapter. My question is going to in regards to the
8 cap cells, and I wanting to know if there has been any
9 studies on cells. But you said that's you're going to have
10 an updated, I guess, cells put in place.

11 So my question is: How often will those cells be
12 evaluated for effectiveness? And I got a second question,
13 too: What do you all plan to do in the final community to do
14 to help in your investigation and resolving this problem?
15 Thank you.

16 MR. BAIN: Thank you. Thank you for the
17 questions and the comments. You know, in terms of the cells
18 that we propose to construct here, you know, the nature of
19 the performance of those cells, once they're constructed we
20 would have a monitoring program to make sure that the radon
21 gas is not available to emanate out from the surface of
22 that. So we'll develop a program to do the sampling
23 schedules. Proceeding with that and that would be a part of
24 the future reporting that we would put in, you know, for
25 example, the information repositories at the Gallup Public

1 Library and the Navajo Nation Library. If there is interest
2 in Pinedale Chapter for copies of those sorts of documents,
3 I'm sure we can make those available.

4 But you know, beyond the radon coming up out of --
5 concern of radon emanating out, we also need to make sure
6 that the cover, the vegetative layer, and riprap or the rock
7 is not impacted. So we'll do inspections at least annually
8 to insure that, you know, the integrity of the cells are not
9 impacted.

10 And you know, the other aspect of the work is to make
11 sure that the fences are impacted so that livestock aren't
12 able to get in there and cause damage to the cover system.

13 So does that kind of address the broad picture in terms
14 of the cells?

15 MR. HARJO: Sure.

16 MS. ADAMS: Of course, if we found a problem,
17 we wouldn't just break it in the depository. If we found the
18 problem, we would let everyone know, and we would deal with
19 it immediately. So if somebody were to identify a problem.
20 So as far as what can you do if there was a problem, they can
21 be note it. Of coarse, we would want to know about it.

22 MR. BAIN: You know, the additional question
23 of the community, the Pinedale community or the other
24 chapters that are involved, you know, as part of this
25 process, take a look the documents that we've generated

1 already. If you have comments to provide those by the end of
2 our comment period. It's very critical. Let us know what
3 you think of all the alternatives.

4 MS. DUNCAN: I have one other thing. To add
5 separate from this project, but part of the larger project
6 that I talked about where we're looking at impact from mining
7 throughout the Navajo Nation, we're looking at home or
8 structures that might have been built with mine waste rock or
9 you know, made with them. And we're working with Navajo
10 Nation EPA on that. And so if you know of homes or think
11 that there may be homes in your area, then we would want you
12 to contact Prewitt Navajo?

13 MS. DINEYAZHE: Contact our office at Navajo
14 EPA or Super Fund office. We have a toll free number. I'll
15 provide that to the reporter so she can post it up there.
16 But you can call our 800 number, or you can also call Stanley
17 Edison at (928) 871-6859.

18 MR. BAIN: That's not Stanley's number.

19 MS. DINEYAZHE: Well, that's our office
20 number. And we'll also provide the 800 number. We are doing
21 outreach in Eastern agencies. We do outreach to the Church
22 Rock Chapter, the Pinedale Chapter, and we have a team that's
23 working on this out of the Navajo Nation Environmental
24 Protection Agency, and one of the -- also the contact person
25 is Vivian Craig, and she's sitting right here.

1 But if you know of any residences or homes that may have
2 been built with contaminated materials or has contaminated
3 materials from the mine, let us know, because right now we're
4 going out to homes and we're scanning the home, the interior
5 and outside of the home with a gamma instrument to see if
6 there is any reading of radon readings we get that's above
7 our background levels.

8 And also we will did the outside area around the home.
9 And then if it's at a high enough level, we will be referring
10 it to the U. S. EPA, but this is a -- we're trying to -- our
11 focus area is -- right now the chapters. Each agency that
12 have been impacted by abandoning uranium mine, and those are
13 13 chapters. But we will be doing the outreach to all 28
14 chapters in the eastern agency. And if we get any other
15 references from any other chapters in the Navajo Nation, we
16 will be doing our scans at those homes, also.

17 So, we do want to get the information out, especially in
18 the article that if people have that information, to contact
19 our office. Thank you.

20 MR. BAIN: Can I just also --

21 MS. DINEYAZHE: Oh, your 9 point 34 reading I
22 think it was the radon. We will be coming to your homes.

23 MR. BAIN: I will make one more point, and I
24 didn't address all the questions. But there was a question
25 about comprehensive health studies. And I saw Chris over

1 here and it triggered my thoughts.

2 One of the things that we've been doing as part of a
3 five-year plan that EPA and Indian Health Services, the CDC
4 is involved, Chris with Southwest Research Information
5 Center, the University of New Mexico.

6 We have partners out at northern are of New York City,
7 are working as fast as we can with the available resources.
8 And I think more resources can become available, with the
9 more attention that's focused on the issues out here, and you
10 know, why do people have elevated uranium in their systems.
11 So one of the ways that I think the Pinedale Chapter and your
12 chapter can get more involved is to talk to folks like Chris
13 and John Lewis out at the University of New Mexico.

14 Teddy Nez is a representative, or a part of that group,
15 to make sure that people are part of the health studies that
16 where going on also. So I just want to make that one other
17 point. Up.

18 MR. HOOD: Going back to the remedy of
19 disposal. You know, I lived up the Pipeline Road and that's
20 beginning to be a traffic road all the way up to Standing
21 Rock. And considering that there should be a new road, maybe
22 just above that road, coming out from there, coming off of
23 that because that road drops off of Pipeline Road, I thought
24 they have been using that road disposing that, sounds like
25 they're not going any where with it.

1 MR. BAIN: So, are you making -- is that just
2 a comment that you'd like to see something done with --

3 MR. HOOD: Well, you know to reconsider that
4 road --

5 MR. BAIN: With Pipeline? The alignment of --

6 MR. HOOD: The realignment on that road.

7 MR. BAIN: So part of the point I want to make
8 is the Pipeline Canyon Road is not part of the area that
9 we're investigating.

10 MR. HOOD: It goes into the report of UNC.

11 MR. BAIN: Correct.

12 MR. HOOD: You come off that 566, and it leads
13 right in there kind of like in the middle. And if they're
14 going to do that 5A there, they're going to be coming off
15 that. You'll be traveling back and forth in it back to
16 Standing Rock, even up to the road where we live.

17 MR. BAIN: You know, based on the initial
18 analysis that we've done, we don't believe that we will be
19 impacting the area along the Pipeline Canyon Road. We
20 understand that there are flooding issues there.

21 MR. HOOD: There's a flooding issues that
22 comes out and you guys are evacuating over there.

23 MR. BAIN: You know, my suggestion is we can
24 -- we also received a comment from Chris before. It's one
25 of the issues that we are discussing with the NRC and Region

1 Six because we believe part of that's on the Super Funds
2 site, you know, in terms of the impacts from that. We just
3 need to learn a little bit more about that. But at far as I
4 know, the work that we're planning on doing would use Route
5 566 and tie in -- it would tie in a little bit.

6 We're envisioning the waste would come out of the mine
7 site on 566 and that we would tie in probably through this
8 access. The road that I think you're talking about, Pipeline
9 Canyon drops off here, and then goes off through here, and I
10 know that there's a low spot.

11 MR. HOOD: And they up the hill --

12 MR. BAIN: I'm sorry.

13 MR. HOOD: Maybe if you can just realign, just
14 coming up on top of the hill there.

15 MR. BAIN: I'm not sure where you're
16 discussing.

17 MR. NEZ: He's talking about -- see the
18 highway that comes straight through here (indicating).

19 MR. BAIN: That's Route 566.

20 MR. NEZ: The route, right now, it gets real
21 muddy here. They dirty their trucks and we'll take it home.
22 The are that they're talking about is straight out this road
23 here, and then make it right here for them to go across. So
24 they can close this read here (indicating).

25 MR. BAIN: Thank you for the comment. Luis,

1 did you want to.

2 MR. GARCIA-BAKARICH: Chris did have his hand
3 up before, but I'll get to you.

4 MR. TOM: I'm sorry. I didn't mean to
5 interrupt.

6 MR. SHUEY: Thank you. I want to follow up
7 what Mr. Tom's concern here and questions. So on table
8 through 5 of EE/CA, it says for Alternative 5, your preferred
9 alternatives, that there are 58,067 truck loads of material
10 that would be moved, versus 34,840 for Alternative A, the
11 complete offsite removal.

12 First of all, I appreciate getting sent the record
13 here. I haven't gotten through may of the 532 documents or
14 562 megs on that, so I'm sure that the answer is in there.
15 So number one question is: Is there a difference in the size
16 of the trucks that would carry the weight -- the waste
17 completely out of the region versus the ones that we would
18 just go to the mill site?

19 MR. BAIN: Yes. What we've considered for the
20 45 trucks that it would take to move all these materials to
21 the off site disposal. Those would be long, longer design
22 trucks, you know, articulated double truck. Roll off then
23 probably type design truck, whereas the shorter haul vehicles
24 were considered for the Alternative 5 and 5A.

25 MR. SHUEY: Okay. So then just speaking of 5A

1 then. You're saying, Andy, that you would build a new
2 ingress in the middle, from 566, across the middle of the
3 Taylor's park, as opposed to using the existing ingress of
4 the Pipeline Road intersection that Mr. Tom comes out.

5 MR. BAIN: Well, you know, the question of
6 where we ingress the site there is just a conceptual idea
7 right now. Part of our design will include, you know,
8 traffic plan and you know, figuring out where our routing of
9 certain vehicles would be. But that's the initial thought,
10 yes.

11 MR. SHUEY: Okay. So in the form of a
12 comment, the difference in this meeting and comments and
13 question, it's all on the record, I hope.

14 MR. BAIN: Yes.

15 MR. SHUEY: It seem to me that the costs
16 estimates for 5A is really under estimated because I can't
17 see how you can't help but improve ingress, either through --
18 he suggested a new way of proving the current Pipeline Road,
19 which for people who live up in his area is a mess, and it
20 goes through part of UNC's restricted area. So it's part of
21 NCR's license that's going to effected by the 5A by the
22 disposal. All right.

23 So it makes no sense to spend money to improve -- to
24 making new ingress that ignores the existing one that is a
25 problem for people who live north of here.

1 So one, it seems to me that 5A needs to have an estimate
2 of -- well, I guess 4 and 5, anything that's -- any of the
3 alternatives go the -- need to have an estimate and cost of
4 reconstruction of the intersection to 566 and Pipeline Road
5 and improvement of Pipeline Road, whether it is as we
6 suggested, a complete realignment of 566 and building a
7 bridge over the Pipeline Arroyo somewhere south of Kerr McGee
8 and north of UNC.

9 Otherwise, you're going to be running trucks over the
10 tailings pile if you design an ingress in the middle of the
11 tailing spot. There's lots of concerns. Have you guys seen
12 this report by Solar Corporation on the performance and
13 renovation of disposal of the waste sites?

14 MR. BAIN: I've seen a presentation that Solar
15 developed.

16 MR. SHUEY: Well, we should see if we can get
17 that report or something. But it's essentially talking about
18 what we see out there. The intuition of wooded plants into
19 cover and the difficulties that this is creating now for the
20 -- for guaranteeing the longevity standard in radon emission
21 control. So they're talking about alternative cover designs
22 and all that. What are your conceptual drawing of the cover
23 for 5A? So correct me if I'm wrong here in -- but, okay --
24 so the bottom part where you say existing waste, that's the
25 existing uranium mill waste, by-product material.

1 MR. BAIN: Correct.

2 MR. SHUEY: All right. So the scale of 100
3 feet on that side and approximately 40 feet on the other
4 side, that -- the layers for the mine waste is not
5 proportionate to that scale, right?

6 MR. BAIN: Correct. This is a concept.

7 MR. SHUEY: A concept. I'm sorry if I was out
8 there. I'm sorry. The concern here is that I understand the
9 drawing's perfected, but the drawing doesn't really reveal
10 the thickness of the existing cover relative to these other
11 covers that are going to be on top; am I correct?

12 MR. BAIN: Yes.

13 MR. SHUEY: Okay. And so now you're saying
14 that 5A might be looked at by spreading the mine waste out
15 over all of the tailings.

16 MR. BAIN: Uh-huh.

17 MR. SHUEY: Last time it was maybe four to
18 five feet in the central cell. Now it's a couple of layers,
19 couple feet of all over the place? How are you going to deal
20 with these, the implication of these cover design challenges,
21 failures if you're going to put mine waste now on top of the
22 tailings cover, which is now encroached with new vegetation?
23 Which when we were doing the mill tailings regulations 20
24 some years ago, the idea was to minimize vegetative covers on
25 tailings to prevent radon -- radon soil movements precisely

1 for remobilizing contaminants underground.

2 So it seems to me that unfortunately one of the flaws of
3 5A are putting on the tailings. I admit that this was a idea
4 that we came up with a long time ago. But the more that we
5 think about it now, there's more problems that are now coming
6 up, especially with the notion that this tailings cover is no
7 different than many of the other tailings cover, that is,
8 unless somebody from can correct that.

9 But it's a standard design tailings cover. It's been in
10 use in the Title 1 Title 2 sites. And if they're having
11 problems after only 15 years of performance at ultra sites,
12 which are smaller, why wouldn't they have problems here at a
13 much larger Title 2 site?

14 MR. BAIN: Chris, can I say that -- you're
15 voicing both questions and comments. But, can I just answer
16 the first part of it, which I think is -- you know, part of
17 -- you know, this is -- again, you're correct that the
18 proportions are off here. But what we're talking about doing
19 is working with the existing cover, and on the tailings, and
20 being able to engineer a liner on top of that, which would be
21 protective of, you know, the materials within the existing
22 wastes.

23 But then incorporating our waste atop of that in such a
24 way that we create essentially a bathtub that would prevent
25 infiltration of our waste, because we've heard that concern

1 from the community. It's not necessarily something that
2 we're required to do, dealing with technically enhanced
3 naturally occurring radioactive material, which the mine
4 soils are proponent in.

5 The mine soils are not regulated by NRC or DOE per se,
6 but by incorporating it into this site, this footprint, we
7 would thus be able to dispose on top of it, they are policies
8 to that.

9 I think your question of how we would engineer this,
10 again, that's part of the idea of our -- of a design team
11 made up of the different players that have experience,
12 including looking at the Stoller report, talking about for a
13 transportative design as a way of both shedding the water
14 from the top of the site and preventing that or again
15 vegetation from impacting the integrity of the cap.

16 MR. SHUEY: Would you blade the existing cap
17 to remove the vegetation before replacing the mine waste?

18 MR. BAIN: That's what we are kicking around
19 internally.

20 MR. SHUEY: One final question. What's the
21 limitations -- what were the reasons for not designing a new
22 cell for the mine waste right next to the existing tailings
23 pile, as opposed to putting it on the tailing.

24 MR. BAIN: Okay. That's an important question
25 because based on the policies and we've heard from NRC and

1 DOE, we could put it next to it. We thought there might be
2 possibilities of tying in to the side, whether there would be
3 some way of like building right up, right up to the side of
4 it incorporating into their line. But so far, you know,
5 they've been very adamant that it must be incorporated into
6 existing waste or directly on top of it. And that's just
7 their requirement.

8 MS. ADAMS: And if I can add to that.
9 According to our engineer, there's no room. We couldn't fit
10 it. There isn't any area to put it right next to it.

11 MR. SHUEY: Not even at the southeast corner?

12 MS. ADAMS: According to our engineer, no.
13 She was here, she looked at an area towards the site, and
14 she doesn't believe there is enough room anywhere around the
15 existing cells to create a new repository. That's why we
16 were looking across the road.

17 MR. SHUEY: So these comments by DOE and NRC
18 were in respect to, no, we don't want to put it next to it,
19 you've got to put it on top. Is that somewhere in the
20 administrative record?

21 MR. BAIN: The policy is in the administrative
22 record, yes. I'm pretty sure that we included that there
23 somewhere when we were evaluating the different input that we
24 received as we were developing the draft EE/CA, and sharing
25 that with our other -- so if you'd like, we can help you

1 locate that, Chris.

2 MR. SHUEY: Well, the more important question
3 is: Did I miss in the EE/CA somewhere this discloses? That
4 I mean, there is pretty fundamental influence that other
5 agencies that are not here that have some regulatory
6 jurisdiction over the site are imposing upon this plan?
7 That's a significant thing that needs to be disclosed.

8 MS. ADAMS: What's going on here is this: Is
9 that NRC has its own jurisdiction. They have authority over
10 all mills waste. This is not government mill waste, it's a
11 much lower of activity, much lower threat. They are -- their
12 interpretation of the regulations, they're not allowed to
13 take non-mill waste unless it's incorporated into the cell
14 that has no waste in it.

15 So if we were to create a cell next to a mill waste cell
16 or a new cell that's not even next to -- not adjacent to one
17 of the existing waste cells, it would have to come out of the
18 NRC regulatory rules, taken out of license and that's the
19 point at which UNC becomes the custodian of it in long term.

20 The only way to keep it from entering the NRC license
21 and therefore have DOC have it long term is to incorporate it
22 into the existing cells with the mill waste. That's their
23 interpretation. We have no reason to question their
24 interpretation. As a result, we're looking at these ways to
25 try to use it on top of the appropriate cell with the

1 existing cells.

2 I'm sorry -- that is disclosed -- it should be, but if
3 it isn't, we'll fix that. We'll amend the record. But it
4 should be. We'll be happy to help you find that
5 information.

6 MR. GARCIA-BAKARICH: We have time for one
7 more question. We're going to have the court reporter a
8 break.

9 MR. KEETO: My name is Manual Keeto. I come
10 from Acoma Pueblo, in the heart of the Grants Mineral Belt.
11 My question, and I came in late for the hearing process
12 here.

13 Has this progress been used any where else in the
14 world? So what are similarities what you're proposing, has
15 it been successful? Has there been a monitoring process that
16 has been successful in that regard, or you know, or is this a
17 first time experiment that is being used on indigenous people
18 again?

19 MR. BAIN: First of all, tank you for the
20 question. In terms of disposing of mine waste as part of
21 Super Funds clean up, yes, there have been other mine sites
22 that we used some of their experiences, both good and bad,
23 including the Midnight Mine in Region Ten in Washington
24 state, and you know, quite a large uranium mine on tribal
25 land.

1 And then the other mine site was in Oregon, the Lucky
2 Laughs white cane site. There have been other sites that
3 we've looked at the design of the covers including the
4 Montecello, Utah Super fund site, and I believe they were
5 using the transportive covers at some of those sites.

6 So when I said we were trying to use state of the art
7 engineering design, we are very mindful of some of these
8 newer studies coming out, and that's part of what we'd like
9 to hear from you. If you're aware of other clean-ups of
10 uranium mine sites that have occurred, and you know, either
11 good or bad, we'd like to hear that for the record.

12 MR. KEETO: Well, we live in close proximity
13 of Jack Pile mine.

14 MR. BAIN: Okay.

15 MR KEETO: Which was a similar process, you
16 know, they dug the open pit and then they just covered it
17 back up. And the responsibility of monitoring has all these
18 years after reclamation was completed and a majority of that
19 responsibility has been to the Laguna Pueblo itself. So I
20 guess, you know -- another question would be: Would we --
21 would the community members, or say, the Navajo Nation have
22 access to this information in Washington in Oregon, you know,
23 to actually draw comparisons? And on the public record and
24 public hearings like this, what was the reception of the
25 population that lives in those areas?

1 MR. BAIN: Okay. I mean, as far as the access
2 to the studies at the Midnight Mine and Lucky Laughs, sure, I
3 mean, those are -- some of those studies were referenced in
4 our administrative records and referenced in our EE/CA
5 report.

6 Those sites were -- have administrative records, as well
7 that are accessible, and we can help you locate those. I
8 could put you in touch with the project managers that are
9 responsible for those two sites. You know, the same for the
10 Montecello site in the Denver office. Any other questions
11 related?

12 MR. KEETO: They did have public meetings like
13 this, where they solicited comments.

14 MR. BAIN: And I believe those were
15 non-time-critical removal action. They were national
16 priority lists sites. So they went through a you know, a
17 fairly long process.

18 MR. GARCIA-BAKARICH: All right. Our court
19 reporter has been typing for a solid hour and a half, and an
20 hour before that. I'd like to give her about a five-minute
21 break hour to kind of just rest her fingers. I know that we
22 have a lot of comments and things that you would like to
23 share.

24 But again I'd like to reiterate that we're going have to
25 a very similar meeting such as this one with the court

1 reporter on August 25th, at the Church Rock Chapter House.
2 So if you do -- I realize it's getting late -- if you feel
3 like you need to get home to your families and loved ones,
4 I'd like to invite you back on August 25th. There'll still
5 be plenty of opportunity to provide your comments to the
6 EPA. So with that, I'd like to take a break for about five
7 minutes or so. Maybe ten, and we'll reconvene until we get
8 kicked out of here.

9 (A recess was taken.)

10 MR. GARCIA-BAKARICH: The time is 9:30. The
11 EPA will stay behind to answer any questions. For those,
12 we're going to begin right away, and I'd like to start with
13 people who have comments that they would like to submit for
14 public record. So Mr. Nez, please state your name and your
15 comment, sir.

16 MR. NEZ: My name is Teddy Nez from Red Water
17 Pond Road. I have a couple of comments, message from ground
18 zero. Since we are classified by U. S. EPA and the Navajo
19 Nation to be priority one, and then -- so, in reference to
20 our culture, in reference to the contaminated vegetation, the
21 contaminated water, that this traditional use of the herbs
22 that we have, my question would be when will it be safe to
23 use those herbs again? After the interim and after the
24 EE/CA?

25 Second one, is after the restoration, after everything

1 is done, we understand some of the reclamation that has been
2 done, and then it's got -- it's limited. But when we start
3 using the word restoration, it broadens the whole thing. So
4 after everything is done what, have a monitoring some kind of
5 a monitoring system on the air, on the grounds, on the water
6 and the vegetation. So -- and then and annual report with a
7 status of what's happening after the restoration.

8 Right now, the only thing that we hear is information
9 hearing, public hearing, but we want a report back from
10 either the company or whoever is responsible for it. Like
11 DOE, NRC.

12 And then based upon what is happening, we are
13 experiencing, just like what our mother was talking about her
14 health. So she mentioned that we want to have a health
15 study, a comprehensive health study, just not part of our
16 body, but the whole body system. So -- then again, that with
17 what we have, what we are living with, we are experiencing
18 some what we referred to as a UM PTSD PTSS, the veterans are
19 really known for this to where they have their flashbacks,
20 and then they got their PTSD.

21 And then we have our flashbacks. We hear drillers going
22 while we are sleeping inside the house. We hear truckers
23 going by at night. So these are some of the written comments
24 that I would like to give.

25 MR. GARCIA-BAKARICH: Thank you, sir. Anybody

1 else that would like to provide comments?

2 MS. NEZ: My name is Vanessa Nez, and I'm a
3 resident of Red Rock Pond Road, and I want to know what the
4 long term protection is of the human health and like, water
5 is contaminated and I want to know if it can be evaluated if
6 it is contaminated after all the reclamation has begun.

7 MR. GARCIA-BAKARICH: We will respond to those
8 questions in a written response. Thank you. Freida?

9 MS. WHITE: My name is Freida White with the
10 Navajo EPA. When I saw the diagram up there, I know that
11 when we first began, we were allowed to provide comments, and
12 one of those comments was the cost analysis for actual
13 monitoring. I don't think is included in the ONM costs that
14 is being talked about, because it is limited to radon, where
15 as usually, air monitoring is more inclusive over other
16 contaminates.

17 Then the other thing is below that cell, in order to
18 insure that the integrity of this design is going to hold,
19 there needs to be underground monitoring. So I would like
20 costs from that perspective to be included in the long term
21 monitoring cost. So I'm thinking that what's going to happen
22 is it's going to balance out with option number 2, which we
23 had selected. So, that's my comment. Thank you.

24 MR. GARCIA-BAKARICH: Thank you.

25 MR. BELL: My name is Peterson Bell, and I

1 have a question. This Number 2 and Number 5A, why can't we
2 just stick with Number 2 and just clear the whole thing out
3 of here? That's in my back yard where we're talking about,
4 the Red Pond Road. We don't need this stuff anymore. So why
5 can't you just move to out of here, and you guys are going
6 with this 5A, and to burying it in here, it's just going to
7 be more mess going through. It's just about a mile from
8 where I live so, that's my question.

9 MR. GARCIA-BAKARICH: May we respond to that
10 question in our written response?

11 MR. BELL: Whatever, you know.

12 MR. HOOD: I'd like to make another comment.
13 You know.

14 MR. GARCIA-BAKARICH: Would you mind stating
15 your name?

16 MR. HOOD: My name is Tony Hood. I live at
17 29C Red Water Pond Road, and you know, all things in nature
18 are interconnected. They're related. And we cannot confine
19 this contamination to certain areas. It's been all over, and
20 right here and virtually, and it has effected people that
21 live down Rio Puerco. So we need to address that, too. We
22 also need to address Kerr McGee there. I would appreciate it
23 if you would take that into consideration. Thank you.

24 MR. BAIN: Thank you, Mr. Hood. I appreciate
25 your comment. I'm sure.

1 MS. PADILLA: Hello. Thank you. My name is
2 Nadine Padilla and I'm with an organization called the
3 Multi-Cultural alliance for environment which is a coalition
4 of environmental organizations that have been working on
5 uranium mine issues for the past 30 years or so, and we
6 support the Red Water Pond Road Community's support of
7 alternative Number 2.

8 . The communities that have lived with this
9 contamination in and around their homes for so long the
10 deserves a more thorough and complete clean up and
11 remediation in these areas no matter how much it costs. On
12 site disposal is unacceptable and Alternatives 3, 4 and 5 are
13 not adequate long term solutions to their problem. We
14 strongly urge you to please go forward with Alternative 2.
15 Thank you.

16 MR. BAIN: Thank you.

17 MR. GARCIA-BAKARICH: Is there anybody else
18 that has any comments that they would like to submit for the
19 record?

20 MS. SLIM: My name is Janelle Slim. I'm from
21 the Red Water Pond Road area. We are disappointed with some
22 of the proposals. The proposal that does not comment the
23 number of people effected who live in the effected
24 communities. We estimate that 250 to 300 people within two
25 miles of the NRC mine site of the UNC mill have tailings

1 disposal area. This area also includes Pine Dale Chapter
2 residents along Route 566 south of the north site.

3 MR. GARCIA-BAKARICH: Anybody else?

4 MR. SHUEY: If you guys are going to put the
5 -- still talking about 5A, if you going to do put that some
6 more of that waste on there, put a lot more lining underneath
7 instead of just that one lining. And then all you guys have
8 to do is to fence it in and so the livestock won't get in
9 there.

10 After a while, about maybe a month, maybe six months,
11 maybe two years, you guys just abandon the whole thing and
12 then there goes the fence. That's one problem with that.
13 You guys got to maintain the fence on those things. So
14 that's all I will say.

15 MR. BAIN: Thank you.

16 MR. GARCIA-BAKARICH: Chris, go ahead and
17 state your name for the record.

18 MR. SHUEY: Chris Shuey, Southwest Research
19 and Information Center.

20 Andy referred previously to the health study that we're
21 part of where the University of New Mexico and the 20
22 chapters in the eastern agency, including Pine Dale, Church
23 Rock, Coyote Canyon now, and I had an opportunity to talk
24 with Dr. Lewis. I think that we're going to need to be
25 prepared to have a number of things to say about some of the

1 results that are -- have implications for the residents by
2 the Church Rock meetings and during the comments period.

3 We're somewhat constrained about what we can say with
4 respect to the findings that haven't been published. We're
5 desperately trying to get them in a peer review journal now,
6 and that's been in the works for quite some time.

7 This is an incredibly difficult problem because none of
8 the alternatives is a solution that separates wastes that are
9 harmful to people from people. Even if Alternative 2 is
10 selected, and the Northeast Church Rock mine waste are
11 removed, which they should be, from the community forever,
12 the fact of the matter is that the UNC tailings pile remains,
13 and I'm not aware of any proposal or effort to pick it up and
14 move it somewhere else, too.

15 Suffice it to say that we're at the beginning of
16 understanding that you don't have to have occupational
17 exposures to be effected by uranium. And in the proximity of
18 waste sites to where you live increases your opportunity to
19 come in contact with wastes in a variety of different ways.
20 From the mine waters that were discharged and drained in the
21 mining era to the use of materials in homes or sheds or
22 corrals, to having played next to mines or tailings as kids
23 or even herded animals, which a lot of people still do. All
24 of these are factors that go into the totality to one's
25 uranium exposure, and it's a significant risk.

1 We don't have a good set of choices before us in this
2 regard because at least one major site, and also the Kerr
3 McGee site will still be here. And while there're leaving
4 some attention to the Kerr McGee site, the fact that the UNC
5 tailings impounded will be a permanently active waste
6 disposal site cared for by the government in perpetuity is
7 something that you need to take into account because the
8 people who live here will have to live with that for the
9 generations to come.

10 And really that's not -- every care needs to be taken to
11 make sure that that site regardless of whether you put mine
12 waste on it now or not is harbored and protected for that
13 thousand year -- no, less than a two-year planning because
14 the risks and the contaminates inside that tailings lasts far
15 longer than a thousand years.

16 We have to figure out a way to create institutional
17 memory that allows the generations to come to occupy this
18 area to be forever knowing that that is a place that needs to
19 be avoided, and not intruded into. There are other
20 communities in the west that have uranium mills and mill
21 tailings that as a result of political pressure are being
22 moved out of the way of people.

23 This community doesn't have the same level of political
24 and economic clout to get that done, like say the community
25 of Moab, which has the support of people in legislators in

1 Southern California concerned about the effects of the
2 tailings of Moab on the Colorado River, therefore, their
3 water supply.

4 We shouldn't forget Pueblo River, which is tributary
5 to the Little Colorado which is tributary to the Big
6 Colorado River, and this is just as at risk a community as
7 Moab is. Some of the same concepts that went into the moving
8 of the Moab tailings pile ought to be considered not only for
9 here, but ought to be considered or Milan and other places
10 where tailings piles were built where people live.

11 And it's our hope -- we're hoping to be able to state
12 for the record the results of our findings that in my view,
13 demonstrates that there shouldn't be these kind of waste
14 during near where people live. Thank you.

15 MR. BAIN: Thank you, Chris. I think we have
16 time for one last comment.

17 MR. NEZ: My name is Teddy Nez from Red Water
18 Pond Road. I have three quick comments on the health study.
19 Is there going to be planning for any meetings for the health
20 study? That's one.

21 And then people talk about the health plan. So since we
22 are -- we have been contaminated with all these issues, and
23 then Obama talks about national health care plan, and then
24 Bill Richardson talks about national health care plan. So if
25 these health care -- health plans, we want to include the

1 western medicine for our treatments and then the culture, the
2 traditional way of our treatment.

3 And then the third one is a report back to Henry Waxman,
4 Udall, the Senators that represents us so that they know
5 about this meeting. I think they're going to participate
6 more.

7 MR. BAIN: Thank you, Teddy.

8 MR. PINO: My name is Manuel Pino from Acoma
9 Pueblo also representing the Laguna Coalition for a safe
10 environment, as well as the indigenous environmental
11 network. And I think that we need to see in proposed energy
12 legislation like the Waxman-Markey bill for a greater
13 emphasis on cleaning up areas like the Northeast Church Rock
14 Mine, the Midnight Mine that you mentioned, the mines of
15 Oregon, the corridor in Utah, the western slope of the Rocky
16 Mountains in Colorado.

17 It's my understanding that the current legislation only
18 addresses like clean energy investment fund in the amount of
19 about \$7.5 million that are being labeled as green bonds, you
20 know. And that's almost the extent of the house bill that
21 addresses nuclear power, or the nuclear legacy of the nuclear
22 fuel claim. And I think that's a total ignorance by federal
23 regulators.

24 All of you with EPA, DOE, NRC, you know, how can that be
25 an oversight in legislation when people are living in

1 contaminated communities? When you've taken population of
2 people to Congress who are sick and dying as a result of this
3 legacy of pasturing your mining and milling? You know?

4 I have uncles, aunts, cousins, two uncles who qualified
5 under RICA because they're sick and dying from cancer, you
6 know. And sure, you know it's nice to live away from areas
7 like this if we have that opportunity. But this is an
8 environmental injustice. This is environmental racism. This
9 is environmental genocide, you know. And as indigenous
10 people, we're sick and tired of going to hearings, going to
11 meetings, you know, looking at these scientific plans that
12 our grass roots people don't understand.

13 I think that's about time that federal regulators and
14 federal regulating agencies take the issue of contaminated --
15 living in contaminated communities, as an example of
16 environmental racism more seriously. Thank you very much,
17 and thank you for all your time and coming to listen to us
18 tonight.

19 MR. BAIN: Thank you for your comments.

20 MR. GARCIA-BAKARICH: There was a comment up
21 front. Would you please state your name?

22 MR. BOOMER: My name is John Boomer. I have
23 lived on the Navajo reservation from 1968 to 2001.

24 At that time I lived in Milan, New Mexico about two
25 miles from the mill tailings pile of so, I have I have

1 children and grandchildren (Navajo words.)

2 My children are back sheep clan from Crystal. I have
3 family roots here and deeply concerned, not just for myself,
4 but for the generations yet to come. So I wrote a thing down
5 here but I think I would like to preference it by saying
6 that, you know, this issue of comprehensive keeps coming up.

7 The agencies and the government seem to want to
8 compartmentalize everything that's in this jurisdiction, that
9 jurisdiction, it's not within this scope of our study, or so
10 on and so forth. And it drives me crazy just trying to keep
11 up with that. I know that's how you have to operate, I
12 guess.

13 But from our perspective, it's very frustrating, as far
14 as the -- you know, you're going to work on one site and then
15 we go through all this process just to deal with one little,
16 small area, and I wish the government would come in with a
17 comprehensive plan to address abandoned mines, over 20 mill
18 sites that were basically walked away from, abandoned in the
19 1984 era when the price of uranium dropped, was no longer
20 profitable, and even just walked away from it.

21 Even though a few sites were put in the Super Funds. ,
22 many sites weren't. There were over 20 million feet of homes
23 drilled for exploration, and many more mills in feet during
24 the mining process.

25 For water millions and millions of gallons of water, I

1 think that's my biggest shock when I learned how much water
2 is used in the mining process, is being used in try to clean
3 up these sites. And like you said, even though we're trying
4 to pick a plan here, it doesn't address the water. To me,
5 that's the number one issue.

6 Soil contamination and the radon gas exposure is a
7 concern, too. It's all -- it's all a threat. And I went
8 back to think about Navajo history and how, you know, it's
9 managed and white man came, the Navajo fought back a little
10 bit or did whatever to survive, they were rounded up and put
11 in a camp for four years, finally let -- they let them come
12 back to some of their lands.

13 They were put in boarding schools, torn away from their
14 families, and then when World War II started, they were also
15 told not to use their language and broken away from their
16 traditions. The idea was to assimilate them to make little
17 white kids out of them bring them into our culture. We
18 thought that was best for them. And then when World War II
19 broke out. The government came in and asked these very same
20 people, can you help us?

21 And they developed a Navajo secret code to use,
22 developed the Code Talkers, and these young boys, some of
23 them 16, 17 years old went off to help the country. They did
24 the same thing in Korea, Vietnam, so on and so, the Gulf War
25 I, Bush War I and Bush War II.

1 And then with the mining out here, they were called Cold
2 War Patriots. They came in a lot of them worked in mines, as
3 well as miners from all over the country flocked to this
4 area. They weren't told of the dangers even after EPA was
5 formed, and they did know about the dangers.

6 But, the mines came in, they took whatever they wanted,
7 and they left new dangers. It was the responsibility to
8 clean up this mess. And we still are fighting for it after
9 30, 40, 50 years. And we're glad you're here helping, taking
10 little steps. But it's just not comprehensive enough. I
11 want you to read my statement that I want to submit. It
12 believe I prefer plan 2 on complete removal of tailings piles
13 that contaminated soil to an off-site, off reservation in the
14 Indian country facility. That would meet the highest
15 standard of the industry. It would isolate the contaminants
16 from ground water, and reduce radon emissions if done
17 properly.

18 I believe there has been grossly inadequate oversight
19 monitoring analysis of this standing problem. There's a lack
20 of attention to duty and a failure to exercise care and
21 informing and protecting public health and the environment.

22 We, the people, cannot excuse the risk of injury due to
23 faulty analysis, planned safety precautions, monitoring or
24 anything else inadequacy to protect itself. The current
25 efforts do not meet industry standards or common sense. And

1 I'm talking in a more comprehensive way. Maybe not to this
2 date you don't believe that's going to get rid of the
3 problem.

4 Anyway, the current efforts do not meet industry
5 standards or common sense the community has repeatedly
6 requested action since 1979 or earlier. Yet, actions have
7 been grossly inadequate or nonexistent. We still do not have
8 a real solution in place. There is a series of serious
9 breach of public trust and duty and is completely unjust. We
10 no longer accept half measures to this problem. It is
11 inadequate and I believe illegal and immoral.

12 The site in Moab is being moved. Why not this one? The
13 industry and government has violated our trust over and over
14 again. So now we ask them to take away their messes. Thank
15 you.

16 MR. BAIN: Mr. Hood.

17 MR. HOOD: I said this before, too many times,
18 the government industry and military think life is
19 expendable. It's not that way. We hold life sacred so, I
20 think take that into consideration. Thank you.

21 MR. BAIN: Thank, you Mr. Hood.

22 MR. GARCIA-BAKARICH: Okay. I think with
23 that, unless there is anybody else who has comments they
24 would like to submit, I think we'll go ahead and excuse the
25 reporter, and I think those of us from EPA would be happy to

1 stick around and answer any additional questions. But we're
2 going to need to begin to clean up and close down the
3 facility.

4 MR. TOM: My name is Tom Tom, again. You
5 know, just like everything is talk about how much longer you
6 know, what are we waiting for? You know, you need to address
7 things that are the best instead of holding meetings after
8 meeting talking about the same stuff. You know, we need to
9 started addressing the end of it. Okay. This is how we're
10 going to do it, you know, we've got to start moving. This is
11 taking too long.

12 MR. GARCIA-BAKARICH: Thank you.

13 MR. TOM: Thank you.

14 MR. GARCIA-BAKARICH: Is with that verbal
15 public comments sections, again we will have additional
16 verbal public comment session on Tuesday August 25 beginning
17 at 6:00 p.m. At the Church Rock Chapter House, and I'd like
18 to thank you all on behalf of all of us from EPA for coming
19 out here and sharing your thoughts and feelings with us and
20 we appreciate your time. Thank you very much. Thank you.

21
22 (Meeting concluded at 10:00 p.m.)
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25